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THE SCOTTISH
HISTORICAL REVIEW

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HISTORICAL REVIEW

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Contributors to this Volume

F. J. Amours	James Curle
Rev. John Anderson	Prof. Macneile Dixon
Joseph Anderson	Bishop Dowden
J. Maitland Anderson	Etienne Dupont
Mrs. M. M. Banks	Henry Dyer
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Professor T. F. Tout
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A Restoration Duel

IN August, 1660, James, second Earl of Southesk, killed the Master of Gray in a duel. Of the dispute which led to it the following account is given by a contemporary diarist.

'Eftir the Kinges Majesteis return from Breda, quhilk wes upone the 25 day of Majj 1660 yeiris, and eftir his restoration to his thrie kingdomes and dominionnes, diveris and sindry persones, alsweill nobles, gentrie, as utheris, repairit to his Majestie, being than at Lunden, for offices, places, and preferment; quha, being mony in number, and his Majestie not being able to satisfie all, thair did arryfe great hartbirninges, animositie, and envy among thame, everieane contendand aganes utheris for preference. And among these and utheris seikaris, thair did arryse contention betuix the Erle of Southesk and the Maister of Gray, for the schirrefship of Forfar; and in that contention, they drew to parteis and provoked utheris to duellis, in the quhilk, the Erle of Southesk did kill the Maister of Gray upone this syde of Lunden.'—*Nicoll's Diary* (ed. 1836), p. 300.

Of the two combatants Gray appears to have been most deserving of the King's favour. He was the son of William Gray of Pittendrum, 'the most successful merchant in Edinburgh of his day,' had married Hume, Mistress of Gray, daughter of Andrew, seventh Lord Gray, and had commanded a regiment in the army of Charles II. during 1650-51. James, second Earl of Southesk, who succeeded to his father's title in 1658, had, as Lord James Carnegie, accepted the proposed union of Scotland and England, and had been one of the representatives chosen to carry it into effect (Douglas, *Peerage of Scotland*, ed. Wood,

A Restoration Duel

ii. 515; Fraser, *History of the Carnegies, Earls of Southesk*, i. 140; Terry, *The Cromwellian Union*, pp. 47, 183). This acquiescence in the establishment of the English government must have stood in Southesk's way when it was compared with the steady loyalty of his rival.

The duel took place near London in August, 1660 (*Lamont's Diary*, ed. 1831, p. 126). No account of it is to be found in the newspapers of the time, but a contemporary ballad, preserved in Anthony Wood's collection in the Bodleian Library, supplies a detailed narrative of the incident (*Wood*, 401. f. 100).

A NOBLE DEWEL

or,

An unmatchable Combate betwixt Sir *William* . . . and the Earl of *Southast*. Being a true relation how this b . . . E. of *Southast* murdered Sir *William Gray*, Son to the Right Ho . . . the Lord *Gray*, which news is sad to the Nacion of *Scotland*, and how the . . . waites for trial for the same. Tune of, *Sir George Wharton*.

My heart doth bleed to tell the wo
or chance of grief that late befel
At *Biglesworth* in *Bedfordshire*,
as I to you for truth will tell,
There was two valliant Noble men,
that very rashly fell at words,
And nothing could appease their wraths
till they betook them to their Swords.

The one was called Sir *William Gray*,
the good Lord *Gray* his Son and Heir,
The other Sir *James* as they him call,
or *Earl of Southeist* as I hear,
It seems their quarrel they began,
within the house of Parliament,
And till this Earl had kild Sir *Gray*,
he could not rest nor be contend,

About Religion they out fell,
the Earl he was a Presbyter,
Sir *William* did his ways deny,
he being a Loyall Cavalier,
For our late King as I am told,
in *Scotland* often kept his court,
At the house of Sir *William Gray*,
he and his Nobles did their resort.

And for his true obedience then,
as I do wrightly understand
He made was the chiefest Governor,
in the *Northern* part of fair *Scotland*
It seems the Earl of *Southeist* calld,
did kill Sir *William* for this thing,
Because he Governor was made,
and much advanced by the King.

This Earl was governor before,
out of Commission late was thrown,
Even by this present Government,
so that he could not call 't his own,
And good Sir *Gray* put in his place,
and truth it brought him into thrall,
For through that cruel bloody Earl,
his rise was causer of his fall.

You see the bloody minds of those,
which lately had the Sword in hand,
And if they had it so again,
they quickly would confound the Land
For to find opportunity
this wicked Earl he did invent,
How he might Murther Noble *Gray*,
for truth it was his full intent.

The second part, to the same Tune.

Within the house of Parliament,
the Earl fell out with Noble *Gray*
But yet before they did depart,
they loving friends then went away,
It was not known the Earl did ow,
the least ill will at that same time
To noble *Gray* or unto his,
or any of his Royall line.

They rod together thirty Miles,
to *Beglisworth* from *London* town,
And in the way was no distast
until they sat there at the Crown.

They supped together too that night,
as peacefully as man could do,
But yet a sudden accidance
betime the morning did insue,

A Restoration Duel

The Earl he rose ith morn betime,
 with mischief harbored in his brest,
 He came into the Chamber where,
 sir *William Gray*, he lay at rest,

And call'd Sir *Gray* to go with him,
 unto the Fields to take the Ayr,
 And he God wot not thinking ill,
 did with him to the Fields repair,
 Like to a Lamb that went to dy,
 not thinking death to be so near,
 Even so befel the same ye see,
 to noble *Gray* as doth appear.

He left his man abed that morn,
 because he came in late at night,
 Desiring them to let him lye,
 till he returned back with the Knight,
 His bedfellow and Kindsman too,
 went as a second in the place,
 If that the Earl should offer him,
 any abuse or eke disgrace.

He did no sooner come in field,
 but both the seconds and the Earl,
 Do plot contrive against Sir *Gray*,
 his courage purposel to queal,
 The Earl began the quarrel then,
 and noble *Gray* did so outdare,
 And said he was a better man,
 then all the *Grays* in Scotland were.

And said to him come fight with me,
 thou cowardise which art no man,
 Which forced Valiant *Gray* to take,
 his glittering Sword within his hand,
 And so the battle fierce began,
 and Noble *Gray* he plaid his part,
 But yet at length unhappily,
 the Earl he thrust him to the heart,

This being done they dragd him too
 a stinking ditch which there was by,
 And robbed him of his Jewels rich,
 and then they presently did fly,
 Unto the Crown whereas their coach,
 stood ready for their safe convay,
 But by a man it was found out,
 which did them presently betray.

When they was took they did them search
whereas they found them full of gold,
A golden watch and ring which cost,
five hundred pounds his man thus told,
They had them to the Justice straight,
and he did send them to the Gaol,
Whereas they wait for trial now,
I think there's no man will them bail.
And thus I will conclude my song,
I wish all Traytors to beware,
And not to murder as they do,
lest they fall in the hang-man's snare.

London, Printed for John Andrews at the White-Lyon neer
Py-corner.

Blackletter. 3 cuts.

Though it is impossible to test the truth of the story, there can be no doubt that the ballad represents the version current at the time. For according to the list of printers and publishers of ballads, contained in the *Catalogue of Lord Crawford's Collection of Ballads*, p. 535, John Andrews was in business from 1655 to 1666. The ballad is not in Lord Crawford's collection nor in the *Roxburghe Ballads*.

C. H. FIRTH.

The 'Scalacronica' of Sir Thomas Gray.

IN August, 1355, Sir Thomas Gray of Heton,¹ son and heir of a knight who bore the same name with great distinction in the Scottish Wars of the first and second Edwards, was Edward III.'s constable, or warden, of Norham Castle. This fortress, standing just within the English Border, and commanding an important ford on the Tweed, was a perpetual offence to the Scots, and the object of their incessant attack. In the month aforesaid, Patrick, Earl of March, laid an ambuscade on the Scottish side of the river, and sent Sir William Ramsay of Dalwalsey (which we now write Dalhousie) with a party of four hundred spears to raid the English farms. Ramsay, in returning with his booty, rode within view of Norham Castle. Sir Thomas sounded 'Boot and saddle!' sallied out briskly in pursuit, with a following of only fifty men,² and fell into the trap prepared by March. The English being taken in front and rear, defended themselves stoutly, but were overpowered by superior numbers. Gray, with his son, also called Thomas, was taken prisoner, and, being unable to raise the ransom demanded, lay for two years a captive in Edinburgh Castle. Luckily for him, and for us, he had the run of the library there, which was better furnished than might have been expected. He found such good and suggestive material there that he undertook to compile a history of Britain, an enterprise which very few knights in that age were competent to attempt. He offered in his prologue the usual apology of an inexperienced writer.

'How it was that he [the author] found courage to treat of this matter, the story tells that when he was prisoner in the town Mount Agneth (formerly Chastel de Pucelis, now Edynburgh), he perused books of chronicles, in verse and prose, in Latin, in French, and in English, about the deeds of the

¹ Direct ancestor of the present Earl Grey and Sir Edward Grey of Falloden, Bart., M.P. He wrote his name 'Gray,' a form which now distinguishes Scottish from English families of that surname.

² Wyntoun says fourscore, besides archers.

ancestors, at which he was astonished; and it grieved him sore that, until that time, he had not acquired a better knowledge of the course of the age. So, as he had hardly anything else to do at the time, he became curious and thoughtful, how he might deal with and translate into shorter sentences the chronicles of Great Britain and the deeds of the English.'

Then follows the description of a dream, in which the Sibyl and a Cordelier Friar appeared to Gray, and provided him with a ladder to scale a great wall withal. Arrived at the top, he obtained access to a mighty city, and beheld a number of allegorical phenomena with which we have no concern, save that they inspired him with the resolve to carry out the project of a chronicle. The Sibyl bade him call his work *Scalacronica*—the Ladder Chronicle; but whereas one can only regard this fanciful introduction as purely fictitious, the real allusion probably is to the crest adopted by the Gray family—namely, a scaling ladder.³

The scheme of the work was a survey of history from the Creation to the date of compilation; and, as may be imagined, the earlier part is not worth much attention, being merely, as Gray candidly explains in his prologue, a transcript of passages in the writings of Gildas, Walter of Exeter's translation of the *Brut*, Bede's *Ecclesiastical History*, the *Historia Aurea* of John of Tynemouth, Higden's *Polychronicon*, and such like. Coming to the reigns of the Norman Kings, there are passages of undoubted value, describing events not recorded elsewhere; such as the means whereby King John caused the death, in 1203, of his inconvenient nephew, Arthur of Brittany, whom he had supplanted on the throne of England. But it is when Gray is dealing with a period covered by the actual experience of his father and himself that the chronicle has been recognised as being of incomparable value to the student of Scottish and English history during the reigns of the first three Edwards. Incomparable—because, alone among the chronicles of the time, it was written by a soldier, who naturally viewed affairs from a different standpoint to that of the usual clerical annalist. Even Froissart, prince of chivalrous writers, was a priest—*curé* of Lestines—though it must be admitted that his survey of men and manners was of more than parochial breadth.

Knowledge of the *Scalacronica* and its treasures was scarcely to

³ Crests were a novelty in heraldry in the fourteenth century. Barbour says that they were first seen in the campaign of Weardale, 1327, and mentions them as one of 'twa novelryis,' the other being 'crakis of wer,' i.e. cannon.

8 The 'Scalacronica' of Sir Thomas Gray

be obtained, except through the brief English abstract made by John Leland in the 16th century, until Joseph Stevenson edited, from the original MS. in the library of Corpus Christi College, Cambridge, the portion of it beginning with the Norman Conquest, and this was privately published, with a masterly introduction from the editor, by the Maitland Club in 1836. Even so, it cannot be considered easy of access to general readers, first, because the edition consisted of only 120 copies; and second, because it requires some application to master the obscurities and ambiguities of the Norman French in which Sir Thomas Gray wrote. It seems, then, that it may be interesting, and perhaps useful, to those who care for the history of their country, to have a translation of the portion of *Scalacronica* covering the reigns of Edward I., II., and III., when the author either was personally engaged in the scenes described, or heard of them from those who had been actors in the same.

The Cambridge MS. being the only copy known now to exist, we have to deplore its mutilation, which has taken place since Leland made his abstract, supposing that it was from this copy that he worked. The loss of some of the earlier folios might be borne with equanimity, but it is exceedingly tantalising that the missing sheets covered the period of the author's chief activity, namely, from the capture of Roxburgh Castle by Sir Alexander Ramsay, in 1342, down to the capture of Gray himself by the Earl of March, in 1355. Of Gray's observations upon these eventful years we can only judge by Leland's exceedingly succinct notes.

For the purpose of the present translation the Maitland Club edition has been carefully collated by Miss Bateson with the original. Words of obscure or ambiguous meaning are given in footnotes.

HERBERT MAXWELL.

The Reign of Edward I. as chronicled in 1356 by Sir Thomas Gray in the 'Scalacronica,' and now translated by the Right Hon. Sir Herbert Maxwell, Bart.

IN the year of grace 1274, on the feast of the Assumption of Our Lady,⁽¹⁾ Edward the son of Henry, with his wife Eleanor, were crowned and anointed at Westminster by Friar Robert of Kilwardby, Archbishop of Canterbury. The great street of Cheap and the others through which this Edward rode to his coronation were covered with carpets and silken tapestry. The citizens flung gold and silver from the windows for anybody who cared to take it. The conduit on one side of Cheap ran with white wine, on the other side with red. King Alexander of Scotland was there, and the Duke of Brittany (who was the premier duke after the earls present), the wives of both being sisters of the said Edward, and also the Queen-mother. Which seigneurs, with all the other Earls of England, were clothed in garments of gold and silk, with numerous retinues of knights, who, on dismounting, turned their horses loose for anybody to take who chose, in honour of the coronation of this Edward, who at this time was thirty-six years of age. Alexander, King of Scotland, did him homage at this time, then went to his own country, where soon after Margaret, his wife, Edward's sister, died. She had two sons, Edward and David, and a daughter Margaret, who afterwards was Queen of Norway. The two sons died during their father's lifetime, at the age of twenty years.

Soon afterwards, in the year following this coronation, Llewelyn, Prince of Wales, sent beyond seas for the daughter of the Earl of Montfort to make her his wife. She was captured by the seamen of Bristol on her way to Snowdon and taken before King Edward, who suspected from this treaty of marriage that Llewelyn bore him no good will. Moreover, because Llewelyn had not come to his coronation, whither he was summoned for his homage, he [? Edward] took offence and declared war. The King entered Wales, captured the castle of Rhuddlan, driving thence the said Llewelyn and forcing him to seek terms, who

(1) 19th August.

10 The 'Scalacronica' of Sir Thomas Gray

yielded himself to the King for 50,000 marks, upon condition of becoming the King's liege.⁽²⁾ Then he [Llewelyn] took away with him the said damoisel.

Next year⁽³⁾ the King caused Llewelyn to be summoned by brief to his Parliament, but he refused, and again took up arms; but he did not persist, but once more reconciled with the King, upon condition that he would be guilty of no contempt from that time forward, on pain of the punishment which was due.

David, brother of Llewelyn, Prince of Wales, was of the King's household. The King had bestowed Trodsham upon him and his heirs. Which David was crafty, a spy upon the King's counsels, biding his time. He joined the Welsh who once more were beginning war under his brother.⁽⁴⁾ The King moved a great army to Wales, and caused a bridge of barges to be thrown across an arm of the sea towards Snowdon, because the passes in the woods and mountains, which the Welsh had occupied, made the other route a difficult one. The King's troops foolishly began the said crossing before the bridge was complete, and were repulsed by the Welsh who were formed in ambush on the other side. Here Roger de Clifford, William de Lindsey, John fitz-Robert, and Lucas de Towny were drowned, and many others perished in the crush of their repulse. At low tide John de Vesci, who had lately come from over sea, passed across into Snowdon with Basques⁽⁵⁾ and brigands of Aragon, whom he had brought with him, and these wasted the country lamentably. David, the brother of Llewelyn, took to flight, which threw the prince, his brother, into such a panic that he lost all confidence and went off with a few followers. Suddenly he encountered John Giffard and Edmond de Mortimer, with their companies, who had left the King's army in search of adventure. These slew him and his people, and presented his head to the King, which was fixed on the Tower of London.

At the same time Friar John of Peckham was consecrated Archbishop of Canterbury by the Pope.⁽⁶⁾ And Roger de Mortimer held the Round Table with a hundred knights at Kenilworth; to which peaceable revel of arms came knights errant from many foreign countries. At the same time began the sheep scab⁽⁷⁾ in England; for knights returning from the

⁽²⁾ A.D. 1276-7.

⁽³⁾ A.D. 1277.

⁽⁴⁾ A.D. 1282.

⁽⁵⁾ Baskles.

⁽⁶⁾ A.D. 1279.

⁽⁷⁾ *La roingne des berbis.*

Holy Land brought home sheep with great tails from Cyprus, which first carried hither the said scab.

At the same time the coinage was changed, and was called *pollardes*.

Soon afterwards David the brother of Llewelyn was taken near Denbigh, and was hanged and drawn by decree of the King, his quarters being sent to divers places. The King bestowed the lordships of Wales upon divers seigneurs of England, on condition that they should dwell there, which they did, and led a jolly life, and took much delight in hounds and hawks, and in horse racing and leaping, and especially in killing deer by hunting them on horseback.

In the year of grace 1284, his [King Edward's] son, Edward, was born in the castle of Carnarvon, in Wales, and in the same year his other son, Alfonso, died at Windsor, being the King's eldest son; and his daughter, Mary, became a nun at Amesbury. King Alexander of Scotland after the death of the King's sister,⁽⁸⁾ took to wife the daughter of the Count of Flanders, by whom he had no offspring.

This King Edward caused the Jews to be expelled from his realm, wherefore he took [a tax of] a fifteenth from the laity and a tenth from the clergy.⁽⁹⁾

The King passed into Gascony to compose the war between the King of Aragon and the Prince del More, who had submitted all their dispute to his award. While the King was over there, the Earl of Cornwall remained Guardian of England.

Rhys-ap-Merodach, a seigneur of Wales, rose in arms on account of injury which Payn Tiptoft had done him by haughtiness and malice, which Rhys-ap-Merodach refused to put up with at the commandment of the King; wherefore he was afterwards hanged and drawn at York when the King returned from over sea.

King Edward discovered such default during his absence on the part of his justices and officers that he caused some to be exiled, as Thomas de Weyland, Rafe de Engham, and Hugh del Chauncelery; Adam de Stratton was fined; the faithful ones were continued in their offices, as Elys de Ethingham and Johan de Meckingham.

At this time Acre was lost by the Christians.

Also in this year Queen Eleanor died.⁽¹⁰⁾

⁽⁸⁾ Queen Margaret of Scotland, sister of Edward; d. 1275.

⁽⁹⁾ A.D. 1280.

⁽¹⁰⁾ 28th Nov., 1290.

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King Alexander of Scotland, riding one night to [visit] his aforesaid wife, fell from his palfrey, near Kinghorn, and broke his neck,⁽¹¹⁾ to the great inconvenience of the two realms; his sons were dead, and he had no issue save the daughter of his daughter, Queen Margaret of Norway. The lords of Scotland—prelates, earls and barons, and the *comune*, foresaw trouble afar from a disputed succession.⁽¹²⁾ They sent to King Edward of England in Gascony a request that, in order to secure peace, he would consent to his eldest son, Edward of Carnarvon, taking to wife Margaret, the daughter of Queen Margaret of Norway, daughter of the said Alexander who broke his neck. To which [proposal] the councils of both realms consented on the condition that the said Edward of Carnarvon should dwell in Scotland during his father's life, and that after his [father's] death, he should always dwell one year in one realm and the next in the other, and that he should leave behind him all his officers and ministers of one realm when he entered the marches of the other realm, so that his council should always be of that nation in whose realm he was dwelling for the time being.

Assent was given [to this] by the King on arriving at his house and [a request] was sent to Rome for dispensation, and an embassy to Norway to ask for the said Margaret. This envoy was a cleric of Scotland, Master Weland, who perished with the said maiden upon the coast of Buchan, in returning to Scotland.

At this same time King Edward of England, who was without a wife, and had only one son, hearing tell of Blanche, daughter of King Philip of France, demanded her in marriage,⁽¹³⁾ on condition that the King of England should enfeoff the King of France in Gascony, and that the King of France should re-enfeoff the King of England in Gascony with his daughter in marriage, which was agreed.⁽¹⁴⁾ But the said King of France refused to re-enfeoff to the said English King in his territory of Gascony, but retained it as his own demesne; neither would he give the aforesaid daughter, but pretended summons upon the King of England to come before his Parliament [to answer] for depredations committed by the Cinque Ports⁽¹⁵⁾ upon the Normans; designing, in disregard of treaty, to deprive the said Edward of his territory of Gascony by process in his [Philip's] Court. Whereupon the said Edward prepared a great array against Gascony,⁽¹⁶⁾ renouncing his homage to the King of

⁽¹¹⁾ 17th March, 1286.

⁽¹²⁾ *Chalange du realme.*

⁽¹³⁾ A.D. 1293.

⁽¹⁴⁾ *qi ces fist.*

⁽¹⁵⁾ *Les Fiportz.*

⁽¹⁶⁾ *Se adressa de grant aray deuers Gascoin.*

France for Gascony by the Cordelier, William of Gainsborough, and the Jacobin, Hugh of Manchester; which friars the Count d'Artois, having seized them as they passed through his land on their errand, caused to be imprisoned for a long time.

King Edward had prepared a great expedition against Gascony, and had reached Portsmouth in setting out, when news arrived that Madock and Morgan, believing that he had passed beyond sea, had raised the commonalty of Wales against him in war. Wherefore the King abandoned his voyage at that time, and marched into Wales. But already he had sent into Gascony several barons of his realm, who, upon their arrival, found not so much land in the obeisance of their lord the King as they could make good their footing upon. But before long the people of Bordeaux rose and joined them [the English], and drove out the French whom King Louis of France had placed there. The English recovered much land in that country to the use of the King, wherefore this King Edward, as it was said, ever afterwards showed special favour to the knights who took part in this voyage to Gascony.

The aforesaid English barons encountered Charles of Valois, with the power of France, at Belgard, where many English were slain and taken, but not thoroughly defeated; they held the field all day, but retired during the night, while the French kept their ground upon the field all night, wherefore they claimed to have won the victory. And truth to tell, the English suffered the heavier loss, for there were taken Monsire John de Saint John, father and son, Monsire Rafe de Touny, and many others, most of whom never recovered from their sufferings in a horrible, villainous prison.

Meanwhile the King had destroyed and scattered the Welsh rebels, and had taken Madock and Morgan and caused them to be hanged and drawn, and then addressed himself to the rescue of his people in Gascony. He sent thither his brother, Edmond,⁽¹⁷⁾ who there met with a noble death. He himself [King Edward] went to Flanders in support of Count Robert, who was at war with the French.

The said King Edward sent Master John de Glantoun, Arch-deacon of Richmond, to the Pope to complain of the bad faith of the King of France, and of his intention to take his heritage from him. By other envoys he made alliance with the King of Germany, and with the King of Aragon, with the Archbishop of

(17) 'Crouchback,' Earl of Lancaster.

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Cologne, and with the Count of Burgundy, with the Count of Savoy, and with several princes of Germany, who all failed him at need; which when he perceived, he made peace with the King of France, who at the same time gave him his sister, Margaret, to wife,⁽¹⁸⁾ on account of the youth of Blanche, and, in making peace, surrendered [to Edward] a great part of Gascony.

While King Edward lay at Ghent, the townspeople began rioting and quarrelling with the King's people. The Welsh who were there swam across the Scheldt, robbed houses and did much mischief. King Edward sent to seek the Count of Flanders and said to him—'Sir Count, keep your people quiet, or I shall cause it to be said that "here once stood Ghent" '—upon which order was restored.

While King Edward was at Ghent,⁽¹⁹⁾ honourable envoys came on behalf of the commons of Scotland, and of the prelates, earls and barons, to inform him that Margaret, daughter of the Queen of Norway, who was the daughter of their King Alexander, had died at sea on the voyage to Scotland, and beseeching his lordship that he would interfere in the interests of the country's peace to secure for them that King who had most right to be so; because they apprehended great disputes among divers puissant lords, both of the realm and of elsewhere, who should claim the succession, and also on account of sundry disturbances which had broken out in the country, for every one of these great lords behaved like a king on his own lands. The King replied that he would return to his realm and travel towards the Border, and that he would take their request into consideration.

It is to be observed that, according to the chronicles of Scotland, there was never such a difficulty [as to] who should be their kings of the right line, which had completely failed at the time of three successive kings, each one son of the other.⁽²⁰⁾ And for that reason this chronicle aims at explaining the descent of the kings and the pedigree of those who have reigned in Scotland.

[Here follow six folios reciting the well-known mythical

⁽¹⁸⁾ A.D. 1299.

⁽¹⁹⁾ There is a confusion in dates here. Edward married Margaret of France in 1299; the Scottish dispute was referred to him in 1291.

⁽²⁰⁾ The meaning here is very obscure. 'Et fait asauoir qe solonc lez cronicles Descocce nestoit vnqes tiel difficoulte qi enserroit lour roys de droit ligne, qe outrement estoit failly en le hour de troys roys succiement, chescun fitz dautre.'

descent of the Scots from Gaidel, who married Scots, the daughter of Pharaoh.]

About this time the bridge of Berwick across the Tweed fell in a great flood, because the arches were too low, which bridge had lasted only nine years since it had been erected. Soon after this⁽²¹⁾ William de Vesci gave the Honor of Alnwick to Antony Beck, Bishop of Durham, who, because of the hot words of John, bastard son of the said William, sold it to Henry de Percy.⁽²²⁾

By the time that King Edward of England, the First after the Conquest, had performed that which he had to do in Flanders in the aforesaid manner, he repaired to England and travelled to the march of Scotland, where he caused a parliament to be summoned at Norham; whither came all the magnates⁽²³⁾ of Scotland, requesting him as sovereign lord to cause it to be tried who should be their rightful king; but he would take no part in the matter until they had surrendered all the fortresses of Scotland to him as to their sovereign, which they did, and he placed therein his ministers and officers. Now all the magnates of Scotland recognised this sovereignty by overt declaration, and all those who claimed right to the realm of Scotland placed themselves entirely at his judgment, to which all set their seals in affirmation of the matter to be debated. This parliament of Norham was [held] after Easter in the year of grace 1291, whence they adjourned until the octave of Saint John⁽²⁴⁾ in the same year, in order that whosoever claimed right [to the throne] in Scotland should come to Berwick upon the said day and receive true judgment.

King Edward travelled south, and sent in the meantime, by his honourable envoys, to all the universities of Christendom to ascertain the opinions and advice upon this matter of all the experts in civil and canon law. The said King Edward returned on the said day, and on the appointed day when all the magnates of the two realms were assembled under summons, and several [knights] came to claim their right upon divers grounds to the realm of Scotland; that is to say—Florence, Count of Holland, John de Balliol, Robert de Brus, John de Hastings, John de Comyn, Patrick Earl of March, John de Vesci, Nicholas de

⁽²¹⁾ Not before A.D. 1297.

⁽²²⁾ The sale did not take place till 1309. See De Fonblanque's *Annals of the House of Percy*, i. 64, where, however, no mention is made of the dispute with John de Vesci.

⁽²³⁾ *Lez grauntz.*

⁽²⁴⁾ 1st July.

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Soulis, William de Ros and Patrick Galightly. All these put in claim by different challenge in form of petition before the said King Edward. Then it was decreed by the said King, that twenty of the most eminent persons of England, and twenty other persons of Scotland, very eminent and discreet, elected by common [assent],⁽²⁵⁾ should try their challenge; which [persons] were elected, nominated, attested and sworn, and received time to consider [the matter] until the feast of Saint Michael⁽²⁶⁾ next following.

King Edward returned into England, and came back to Berwick on Saint Michael's day, when judgment was pronounced in the church of the Trinity that the right of succession to the realm of Scotland [was confined] solely to the issue of three daughters of David, Earl of Huntingdon, who was brother of King William [the Lion]; the others were nonsuited.⁽²⁷⁾ But great difficulty arose in regard to the issue of the two elder daughters of the said Earl David, that is to say, between John de Balliol, who was the son of the daughter Margaret, eldest daughter of the said earl, and Robert de Brus the elder, who was the son of Isabel, second daughter of the said David Earl of Huntingdon; and between these there were great pleadings. The right of John de Hastings issue of the youngest daughter, failed entirely.⁽²⁸⁾ Gilbert de Clare, Earl of Gloucester, vigorously supported the contention of Robert de Brus, because he had married his [Clare's] sister. The Earl of Warren and Antony Bishop of Durham [were] of John de Balliol's party. The pleaders and advocates urged for Robert de Brus that he was the nearest heir male, inasmuch as he was the son of Isabel, daughter of the said Earl David of Huntingdon, one degree nearer to the said earl than was John de Balliol, who was the son of Dervorguile, daughter of Margaret, the daughter of the said Earl of Huntingdon [and] wife of Alan of Galloway; wherefore he demanded the royal right as the nearest heir. The advocates of John de Balliol said that, as his mother could not reign, he claimed the right in succession to his ancestor as his lawful lineal descendant, and according to the law of their judge, whereunto they were in submission, agreement and assurance. So it was found by the forty persons of both realms, upon their oath, that the right lay with John de Balliol, as being the issue of the eldest daughter of David, Earl of Huntingdon.

⁽²⁵⁾ *Per comun eleccioun.*

⁽²⁷⁾ *Foriugez.*

⁽²⁶⁾ 29th September.

⁽²⁸⁾ *Oste (? Oste) de tout.*

In accordance with which verdict, King Edward of England awarded the right to the realm to John de Balliol, whereupon, in presence of the said King Edward, all the magnates of Scotland yielded allegiance to John de Balliol with oath and homage, except Robert de Brus the elder, who persisted in his claim, and declared in the hearing of King Edward that he would never do homage. He surrendered the land he owned in Scotland, the Vale of Annan, to his son, the second Robert, and son of the daughter of the Earl of Gloucester, who was no more willing than his father to make allegiance to the said John de Balliol; therefore he said to his son, the third Robert, who was son of the daughter and heiress of the Earl of Carrick, and was afterwards King of Scotland—‘Take thou our land in Scotland, if you desire it, for never shall I become his man.’ This third Robert, who was at the time a bachelor of King Edward’s chamber, did homage to John de Balliol; which John was crowned after the manner of the country at Scone on Saint Andrew’s day, in the year of grace 1292.

This John de Balliol had three sisters; the first, Margaret, lady of Gilsland; the second was lady de Quenci; the third had John Comyn for husband, father of him whom Robert Brus killed at Dumfries; and the said John de Balliol had but one son, named Edward.

This John de Balliol, King of Scotland, came to Newcastle-on-Tyne at Christmas next after his coronation, and there did royal homage for his realm of Scotland to King Edward the First after the Conquest; also he was seized anew of all the strong places of Scotland which were in possession of the King of England. Shortly afterwards an appeal was lodged in the court of the King of England by a gentleman of Scotland, because he could not obtain justice, as it appeared to him, in the court of the King of Scotland against one of his neighbours; wherefore King John of Scotland was summoned by writ of the King of England to do justice to the said person; on account of which the Council of Scotland was immediately disturbed.

At this same time war broke out afresh between the King of England and the King of France, arising out of doings by the Bayonnaises and the Cinque Ports,⁽²⁹⁾ mariners at Saint Mahu, against the shipping of Normandy; wherefore the Council of Scotland appointed four bishops and four earls and four barons to rule ⁽³⁰⁾ the land of Scotland, by whose advice rebellion was

⁽²⁹⁾ *Fyportes.*

⁽³⁰⁾ *reauler.*

planned against the King of England. Also they sent as envoys to the King of France John de Soulis and others, who made with him an alliance against the King of England; which King of England, being by no means sure about the Scots, appointed Antony, Bishop of Durham, to treat with them, and, during the ensuing negotiations at Jedworth, one of the cousins of the said Bishop of Durham, Buscy by name, was killed in a mellay among petty chiefs. Which Bishop of Durham, on the part of the King of England, demanded of the Scots hostages from the four castles of Berwick, Roxburgh, Edinburgh, and Stirling, so that he might have security for them [the Scots] during the war with France. Thereafter he presented the King's writ summoning their King John to appear in person before the King of England's parliament at Newcastle-on-Tyne at mid Lent; at which place and time neither the King of Scots, nor anybody representing him, appeared. Wherefore King Edward of England marched to Scotland with a great army, [and] kept the feast of Easter at Wark, of which castle Robert de Ros was lord,⁽³¹⁾ who deserted the service of the said King of England on the third day before the King's coming, left the castle empty, and betook himself to Sanquhar,⁽³²⁾ a small castle which he had in Scotland, all on account of the love *paramours* which he bore to Christian de Moubray, who afterwards would not deign to take him.⁽³³⁾

At this time seven earls of Scotland, Buchan, Menteith, Strathearn, Lennox, Ross, Athol and Mar, with John Comyn and many other barons, invaded England in force, spared nothing, burnt the suburbs of Carlisle and laid siege to that place. King Edward, hearing of this, took up a position before Berwick,⁽³⁴⁾ and the first day he was there, when the King sat eating in his tent, one of his provision ships, by a blunder of her crew, went aground upon the Scottish shore close to the town, which at this time was not walled but enclosed by a high embankment. The townspeople rushed down to the ship, set her on fire and cut to pieces the crew. At the cry "Every man to arms!" in the King's host, the fierce young fellows, spurring forth mounted the banks on horseback. Then, where the townsfolk had made a path along the fosse, they [the English] entered pell-mell with those on horseback, whoever could get in first. Inside

⁽³¹⁾ *Sires.*

⁽³²⁾ *Senewar.*

⁽³³⁾ *Qe apres ne le deigna auoir.*

⁽³⁴⁾ 28th March, 1296.

a great number of people of Fife and Forfar,⁽³⁵⁾ who were in garrison of the town, were killed. That same night the said King Edward wholly captured the town and the castle, where he made his abode, and whither came to him a Minorite friar, warden of the friars of Roxburgh, by authority of King John of Scotland bringing him letters renouncing the homage of the King of Scotland by letters patent⁽³⁶⁾ from the King and the Community of Scotland, which letters the King received and caused them to be notarially registered.

At the same time⁽³⁷⁾ the aforesaid earls of Scotland re-entered England, burnt the priory of Hexham and wrought great damage to the country. The Earl of March, Patrick-with-the-Black-Beard, who alone of all the lords of Scotland had remained obedient to the King of England, and was with the King at the taking of Berwick, came to announce to the King that his wife had received into his castle of Dunbar her kinsmen, enemies of Scotland, who had imprisoned⁽³⁸⁾ his officers and held the castle against him. He therefore asked assistance from the King, and wished to set out that very night. The King gave him the Earls of Warren and Warwick, with great supplies by sea and land, so that before sunrise next day he [March] had laid siege to the castle of Dunbar.

The lords of Scotland who were assembled, hearing of the siege, marched by night upon the place and came in the morning to Spott, between which place and Dunbar they gave battle to the said English besiegers, when the Scots were defeated [in] the first battle of this war.⁽³⁹⁾ There were taken prisoners in the castle the Earls of Menteith, Athol and Ross, and seven barons—John Comyn the younger, William de Saint Clare, Richard Syward the elder, John of Inchmartin, Alexander de Moray, Edmund Comyn of Kilbride, with nine and twenty knights, eighty esquires, who were all sent to prisons in different parts of England.

(To be continued.)

⁽³⁵⁾ *De Fyffe et de Fortherik.* Fife and Fothreve formed one of the seven territorial divisions of Scotland, comprising the modern counties of Fife and Kinross. This is a very mild description of the ferocious sack of Berwick perpetrated by Edward, 30th March, 1296.

⁽³⁶⁾ *Par lettres pupplis.*

⁽³⁷⁾ This refers to the expedition of the earls from Carlisle. Hexham was burnt 8th April, 1296.

⁽³⁸⁾ *Embote*, perhaps attacked or overpowered.

⁽³⁹⁾ 28th April, 1296.

Presbytery and Popery in the Sixteenth Century

AFTER the Reformation had ousted the Church of Rome from her place of influence and authority in Scotland, the Presbyteries of the Church, which were set up in 1581, had many cases of suspected popery brought before them. This period of alarm and diligence in rooting out popery began in 1596. The proceedings of the Assembly, which met in Edinburgh on Tuesday, 30th March, of that year, when the National Covenant was renewed, is summed up, by Calderwood, in the words, 'Here end the sincere General Assemblies of the Kirk of Scotland.' The favour James VI. showed to the popish Lords fed the flame of alarm, and the leaders of the Church set themselves to counteract the hostile influence. The nature of these proceedings may be understood from certain doings which are recorded in the Minute Books of the Presbytery of Stirling.

I. LADY LIVINGSTONE.

Lord and Lady Livingstone were justly suspected of favour for the Roman Catholic faith, and at the General Assembly, held at Burntisland on 12th May, 1601, among the causes of defection which had 'entered in this Kirk from the puritie, zeall, and practise of religion,' was 'the education of their Majestie's children in the companie of professed, avowed, and obstinate papists, such as Ladie Livingstone,' etc. 'The King promised to transport his awin daughter fra my Ladie Livingstone before Martinmas nixt' (Row's *History*, pp. 206, 208). The Presbytery of Stirling endeavoured to win Lady Livingstone over to the true faith, and their dealings with her present interesting features of their own. The extracts given show how difficult it was to bring her into obedience to the Kirk. She was Helinor Hay, the wife of Alexander, last Lord Livingstone, who was created, in 1600, Earl of Linlithgow.

1596. July 7. 'The qlk day the minister of Falkirk was desyrit to report my lady levingstones behaveor (gif she be in his parochie) and quhow she keipis the conditionis appointed be ye last generall assemble, he anseres that she hes neur keipit any ane of ye saids conditionis, Bot rather it appeiris that the delay of the kirk hes wrought in hir ane greater obstinacie & contempt of ye evangell, Inrespect Ro^t diksone ane alledgit Jesuit & trafficquar was receavit in ye plaice of Callendar besyd falkirk quhair he remainit ane lang spaice expres contrar ye act of parliament, And on ye first day of his receaving yair quhilks was sonday my lord levingstone remainit all day fra the kirk. My lady hes as zit on ye ruif of hir bed monuments of Idolatrie, haid a beanfyr biggit besyd ye plaice of Callendar on midsomer evin last, done be Christane hay hir gentill woman (as is reported). My lady prophanit ye last Sabboth quhair on the holie communione was ministrat & the new covenant maid in all the kirks within thir bounds be ryding to Ed^r. Off ye quhilks the brethrein thinks meit that ye presbytrie of Ed^r be advertesit and thair Judgment cravit quhat yai think meit salbe done with ye said lady.' Lord Livingstone was at the same time ordered 'to communicate on Sonday nixt with the remanent parochinars of falkirk that hes not zit communicat and to mak the new covenant with the rest of Gods pepill.'

The Communion was held at that period generally on two successive Sabbaths, so as to overtake the whole of the people, and also to afford an opportunity of gathering in those whose faith might be suspected.

1596. July 28. Lady Livingstone was summoned to this day to state why the sentence of excommunication should not be pronounced against her. There compeared David Murray in Stirling and Alex^r Livingstone in Burnsyd who gave in some paltry excuse, such as ill health &c. The Presbytery ordained M^r Patrick Simsone (minister of Stirling) and M^r Adam Bellenden (minister of Falkirk, who afterwards became Bishop of Dunblane) 'to pass to my lord and lady Levingstone on the 2^d August to try the trewth of the said excuse. 2. To admoneis my ladie for not keeping of ye conditionis Injonit to hir be the last generall assemble. . . . and gif thay ar not keipit in tyme tocum the brethrein will proceed to excommunication against hir without any admonitionis. 3. To ask hir quhow she is resolut to thais four artickilis delyverit to hir in wret and confermit be testimoneis of holie scriptur

and ancients. To desyr My lord to remove that monument of Idolatrie To wit, the piktar of ye crucifix at ye ruif of his ladeis bed. 2. admoneis his lo. for not hanting the preichings ilk sabbboth in tymes bygane and that he amend ye samin in tymes coming. 3. Qwhy he cawsit men withdraw thame selfis from ye holie communione to ryd with him on ye Sabbboth expres against gods law. 4. Qwhy he absented him self fra ye holie communione the last tyme of ye ministratioun yairof in his paroche kirk twa divers sondays. 5. Qwhen & quhair he last communicat. 6 Qwhy he sufferit ane beanfyr to be sett out besyd his lo. plaice on midsomer evin last to ye dishoner of god and evill exampill to all the cuntrie. 7. To confer with his lo. on ye points of religione mentionat in ye confesseione of faith and finding his lo. fullie resolut in all be his great aith to receave his subscriptione yairto. 8. To desyr his lo. to present Robart diksone befor ye presbytrie according to his lo. promise reported. And last to desyr his lo. quhat he will voluntarlie give to support ye Repairing of Allwn brig.' The said Commissioners to report.

On 26th August, Lady Livingstone was decerned to be excommunicated 'as ane profest papist.' On her behalf 'compeired Thomas Callendar brother to W^m. Callendar of Banclo^t procurator for ye said Ladie and alledgit in hir name that she was lyand seik and my^t not travell to this plaice this day without dainger of hir lyf. . . . Andro miln chirurgian in Linlythgow deponit ye samin be his great aith. . . . and alleged farther that she had been continually sick since last General Assembly. 'Inrespect of the qlk alledgeance of Inhabilitie the brethrein appoints M^r Patrik Simsone, M^r. W^m. Stirling (minister of Kincardine) and M^r. Joⁿ^e. Millar (minister of Logie) to pas to ye said Lady in ye plaice of Callendar at falkirk and thair to try quhow thais conditionis conteinit in ye said act ar keipit be the said Lady and confer with hir upone ye contraverted heads of Christiane religione.'

The brethren reported, on 4th November, that they passed as instructed, but to find 'that the said Ladie was removit towards Ed^r on the day preceeding,' of which the brethren of the presbytery of Edinburgh were immediately apprised. Thus by pretended sickness and by moving from place to place, her ladyship managed to evade the brethren. However, on 15th December, a deputation passed to her at Linlithgow, and after long conference reported some signs of amendment, and she was ordained 'to frequent the heiring of gods word prechit in ye Kirk of

Linlithgow seing she dwells in the plaice yairof qlk is verie neir to ye kirk and that she have reiding of gods word ilk day in hir chambir.'

She continued a Roman Catholic, and was ultimately excommunicated. Her husband, Lord Livingstone, always seemed to be more pliable. At the General Assembly held at Holyrood House, on 10th November 1602, over which Mr. Patrick Galloway presided as Moderator, the King being personally present, 'Alexander, Earle of Linlithgow gave in a supplication, regraiting that his Ladie Dame Helenor Hay had not obeyit what was injoynd hir at the tyme of hir relaxation from excommunication, so that he saw nothing but that she deserved to be excommunicat againe; and seing he resolved to abyde constantlie with the trueth, and to doe what he could for hir reclameing, he intreated that he might be pitied in spairing of hir, whom he could not forgoe or quyt, being his married wife. The Assemblie resolves to superseed hir excommunication till the nixt Assemblie, provyding the king's daughter be taken out of hir companie; papists haunt not that house; that she be catechized in the true religion; and that his Lordship cause deall with hir at all tymes carefullie for hir conversion' (Row).

II. LADY CROMLIX.

Another lady, who came under suspicion as a papist, was Lady Cromlix, the wife of Sir James Chisholm of Dunderne. She was more easily dealt with than Lady Livingstone.

1596. July 14. The minister of Dunblane reported that he 'requyrit and admonishit Dame Anna beattoun spous to Sir James Chisholme of Dunderne kny^t to Repair ather to ye kirk of Logie or S. ninian kirk to receive the holie sacrament of ye lordis Suppar the last sonday seing she receavit not ye samin in hir awin kirk the sonday preceeding, as he was appointed the last day. Quha gave him na direct anser nayer affirmative nor negative, And siclyk the ministers of S. Ninian Kirk & Logy Reports that she came not to ather of yair kirks this last sonday.' . . . She was ordained to be summoned under the pain of disobedience to answer therefor.

1596. August 4. 'Dame Anna beattoun' (Lady Cromlix) did not appear in answer to the summons but 'Sir James Chisholme of Cromlix' sent by his servant a letter of excuse, 'bearand that his wyf is disaisit of ane great humor in hir head that she is not abill to com furth of the hous to the air bot ye said humor.

ordinarlie ingenereis ane extraordinar paine to hir qlk is the occasione that she may on nawayes com heir to yis assemblee.'

At next meeting, on 11th August, Sir James compeared and declared that he and his wife were fully resolved to subscribe and give their great 'aiths.'

It appears that Sir James Chisholm had been, previous to this, excommunicated for his apostacy to Popery, as at the General Assembly, held at Montrose on 24th June 1595, 'Sir James Chisholme of Cromlicks, upon his humble repentance, is relaxed fra his excommunication for his apostasie to Poperie' (Row, p. 167.). This was the reason why special oversight was taken by the Presbytery of his conduct and that of his lady. They adhered, however, to the reformed faith, and so the matter ended for the time. But, on 14th November, 1604, Lady Cromlix, now designed 'Dame Anna beattone relict of vmq^{ll} Sir Ja^{es} Chisholme of Dundern kny^t,' is accused of 'hir absenting from the word and sacrament.' Amendment, however, is promised. On the 21st of the same month, 'the brethrein ordainis M^r W^m Stirling & M^r Andro Zung (minister of Dunblane) to confer with Dame Anna beattone relict of vmq^{ll} Sir James Chisholme of Dunderne kny^t anent hir absenting from ye word and Sacrament, and quhat she will promeis for amending yairof in tymes cuming and that thay report thair diligence heirin to the brethrein on ye xxviii of this instant.' They reported that 'thay receavit promeis of hir that she sall frequent to the preaching of god his word in tymes cunning quhen she is in the toun that seikness will permit hir and sall communicat quhen soevir hir minister sall requyr hir, and incaice she dois not or absents hir self any wayes yairfra, she is content to be Iudgit ane papist.'

III. OTHER PAPISTS.

1600. November 19. 'The brethrein understanding thair is sindrie Jesuitis and papists leatlle comit to this cuntrie to subvert Chrysts trew religione publictlie professit within ye samin, quhair- of M^r George elphingstone son to Ro^t lord Elphingstone and Alex^t elphingstone sone to Alex^t maister of Elphingstone and M^r Edward drummond sone to vmq^{ll} henrie drummond of Rickartoun hes residence within the bounds of this presbytrie, And yairfor the brethrein ordanis thame to be summond. To give the confessione of thair faith & religione according to god his word and that confessione of faith subscriyvit be the Kingis

Majestie and houshold and to subscrivye ye samin, To give thair great aithis in maner & forme thairin conteinit, Be participant of the holie Sacramentis as thay ar publictlie ministrat in this cuntrie according to god his word, & to submit thame selfis to ye discipline of the trew kirk within this cuntrie establishit be our soverane lord and his esteats vndir ye paine of disobedience.'

1601. February 18, M^r Edward Drummond, above referred to, was decerned to be excommunicated for disobedience, by M^r Andro Zung, minister at Dunblane, where Drummond had his residence.

1608. November 9. Intimation was received, from the Presbytery of Perth, that Francis, Earl of Errol, had been excommunicated for apostacy.

IV. LADY URCHILL.

1604. July 18. 'M^r Patrik Simsone minister at Stirling reports that Dame Elizabeth Maxwell spous to Sir Johnne grahame of Vrchill hes maid residence in this toun thir twa moneths bygaine or yairby and hes at na tyme repairit to the Kirk. And aftir she was admonesit yairof be sum brethrein direct from the eldarship of Stirling Kirk and the minister yairof beand send for he fand na thing in to hir bot taikins of papistrie. The brethrein ordainis ye said dame Elizabeth to be summond to compeir befor this presbytrie and be admonesit in the name of god and his Kirk to mend the said fault be frequenting to ye heiring of gods word . . . vndir paine of disobedience.'

1605. November 27. 'Dame Elizabeth Maxwell spous to Sir John Grahame of Vrchill confessit that she hes red the confessione of fayth delyverit to hir be the brethrein . . . and fullie aggreis yairto in all points.'

These were the days when the discipline of the Kirk was thorough, and ministers did their duty without respect of persons. We live in different times, but it is doubtful if we are possessed with the like spirit of zeal for God's truth and the purity of His Church.

Note. The General Assembly met at Edinburgh on 20th June 1587, and noted '[certaine] Greives of the Kirk [of Scotland] assembled in Edinburgh, givin in to His Majestie [the 20 of February 1587]. 'In Striveling—Walter Buchanan, sonne to the Goodman of Auchinpryor, [and] a Flemis woman his wyfe, [both] indurat Papists, and hes causit a preist latelie to baptize thair

bairne; Helen Hay, Mistres of Levingstoun, a malicious Papist; the Sabbath ther is everie quher abused and profained; the Kirks ill plantit; scarcelie 3 hes Ministers. Superstitious ceremonies, pilgrimages to Chrysts Well (in Menteith), fasting, [festives] benfyres, girdles, carrells, and such lyke.'

'Of Dumblaine—The Bishop of Dumblaine restored, and latelie came home, and accompanied with a stranger, Frenchman, or Italian, supposed be many probable appearances, by men of great judgment, to be imployed here in some strange turne. His coming hath encouraged all suspected papists, and brought the simple in great doubts, for by his authority he draweth all with him in the old dance. The ministers are hereby despised and troubled in their livings; and the Kirks ruined and desolat.'—*Booke of the Universall Kirk*, p. 721. Among those excommunicated, and given up by the brethren to the General Assembly on 26 April 1593, at Dundee, were 'Sir Henrie Oswald, within the parochin of Strageith, excommunicat for papestrie, be Mr. James Burton in Peblis, the fourth of March 1592; Sir William Blakwod in Dumblane, excommunicat for papestrie; Robert Clerk in Ochterardour, excommunicat for incest with Elspet Scot, be Mr. Johnne Bondroune, Superintendent of Fyff.'—*Ibid.* p. 803. At this time there were the following 'Kirkis vacand within the Presbiterie of Dumblane: Abirfuill, Kilmahuge, Callendar, Leny, Port, Kilbryd, Balquhidder, Comrie, Tullicheddilly, Sowan [Strowan], Monivard, Stragethe, Kinkell, Abirruthven.' The Bishop of Dunblane, above referred to, was Andrew Graham, youngest son of William, Earl of Montrose, who was consecrated in 1575, and in the following year the charge of the Kirk of Dunblane was assigned him by the Assembly; but he was ordained, in 1588, to repair his Church, which was ruinous, and he was deposed from the ministry 24th July 1594, being non-resident, and having 'at na tyme preichit God's word, ministrat the sacraments, nor execut discipline (at Dunblane) the space of sevin zeiris bygane.'—Scott's *Fasti*. IV. 839.

R. MENZIES FERGUSON, M.A.

The First Highland Regiment

The Argyllshire Highlanders

WHEN King James vacated the throne of England and Scotland, and the Revolution of 1688 was an accomplished fact, William of Orange found himself confronted with a war in Flanders, a war in Ireland, open mutiny amongst the troops in England, and an almost certain Jacobite insurrection in Scotland—a train of circumstances which necessitated an increase in the army.

Amongst those who accompanied the new King to England was Archibald Campbell, who, since the execution of his father, the ninth Earl of Argyll in 1685, had been an exile in Holland, but had since been restored to the property and family dignities. To shew his gratitude to the new Government, and not without an eye to his own further interests, the new Earl, in view of the trouble in Scotland, proposed to raise a regiment of 600 men from among his tenants in the Western Highlands. The offer being readily accepted, the following order¹ was issued to raise the regiment: ‘The Estates of the Kingdome of Scotland, considering that the Earl of Argyle Hes made ane offer to Levie one Regiment of six hundred foot to be commanded by him as Collonell, And to be Employed in the service of His Majestie William, By the Grace of God King of Great Britain, Ffrance, and Ireland; And the Estates Reposing speciall trust and confidence in the fidelitie, couradge, and good conduct of the said Earl of Argyle, Have therefor nominated, constitute, and appointed, And by these presents Doe nominat, constitute, and appoynt The said Earl of Argyle to be Collonell of a Regiment of foot, appointed by the act of the said Estates of dait of these presents, to be levied by him as said is, consisting of ten companies

¹ *Acts of the Parliament of Scotland*, vol. ix.

and sixtie men in each company; with full power to the said Earl of Argyle to nominat the Livetennant Collonell and Major of the said Regiment, and the Captaines and inferior officers of the several companies, and to grant commissions accordingly; And to command and exercise the said regiment, both officers and souldiers, carefully and dilligently; and to keep them in good order and discipline; And to do and act all things competent and incumbent for any collonell of foot to doe and performe; Requiring and commanding thereby all officers and souldiers of the said Regiment to give due obedience to the said Earl of Argyle as their collonell, and to their respective commanding officers; and, further, the Estates doe hereby command and require the said Earl of Argyle to observe and prosecute such orders and directiones as he shall receive from tyme to tyme from them, or from Major Generall M'Kay, present Commander in Chiefe of the forces of this Kingdome, or any other commander in chiefe for the tyme, or any superior officers, according to the rules and discipline of warr; and the Estates Doe Declair that each company, both officers and souldiers, is to enter in pay after the same is mustered compleat, and the field officers after the wholl regiment is mustered; and that this commissiione shall continue untill the King's most excellent Majestie shall be pleased to grant new commissions for the said regiment, or otherwayes dispose thereof. Signed by Warrand, and in the name of ye Estates,

HAMILTON.

22nd April, 1689.

President.'

No definite information regarding the uniform worn by this regiment of Argyllshire Highlanders is at present obtainable; but it is believed that it was similar to that of an English line regiment of the period, substituting the round blue bonnet for the English cocked hat. Above the door of Dunstaffnage House is a coat of arms, carved, which formerly stood over the door of the old castle. It has for supporters what are believed to be two privates of Argyll's Regiment in 1692. I am indebted to Dunstaffnage for a steel engraving done from the stone carving over his door. With the exception of the head-dress, which is a Scottish round flat bonnet such as is now worn, the uniform closely resembles the uniform of an ordinary line regiment of the period.

Campbells were, naturally, a predominating element in the

regiment: of the first nine principal officers appointed six bore that name.² The Earl of Argyll, colonel also of the Dumbarton and Bute Militia, was the colonel and captain, and Sir Duncan Campbell, Bart., M.P., of Auchenbreck,³ the lieutenant-colonel and captain; the field officers, as was customary in those days, also commanding companies. The other captains appointed were Archibald M'Aulay of Ardincaple;⁴ James Campbell, younger of Ardkinglass;⁵ Archibald Lamont of Lamont;⁶ Archibald Campbell of Torrie;⁷ Archibald Campbell of Barbreck;⁸ Hector Bannatyne, younger of Kames;⁹ and John Campbell of Airds.¹⁰

² *State Papers, Domestic Series*; and Dalton's *Army Lists and Commission Registers*, 1661-1714, a most valuable and accurate work, to which I am much indebted.

³ Lieut.-Colonel Sir Duncan Campbell, 4th Bart., and 9th Laird, of Auchinbreck. Late Captain Wauchope's Regt. in Holland, 1688-89. Son of Archibald Campbell of Knockmillie, and grandson of Sir Duncan Campbell, 7th Laird. Succeeded his uncle as 4th Bart.; married Henrietta, daughter of 1st Earl of Balcarres. Became Lieut.-Colonel Buchan's Regt., 1691.

⁴ Eldest son of Aulay M'Aulay of Ardincaple, Dunbartonshire; his younger brother, Robert, was afterwards a captain in the regiment. The property was sold by Aulay M'Aulay, the 12th and last of the chiefs, to the 4th Duke of Argyll, about the year 1760.

⁵ Son of James Campbell of Ardkinglass, descended from the Campbells of Lorn. His elder brother, Sir Colin Campbell, Bart., became Sheriff of Argyll, to whom Glencoe took the oath. The property passed into the Livingstone family, and thence to Colonel James Callender, afterwards Sir James Campbell.

⁶ Of Lamont, Argyllshire, a clan which seems to have undergone at one time some persecution at the hands of certain chiefs of the clan Campbell, for the massacre of the Lamonts formed one of the charges brought against the Marquis of Argyll in 1661, although he does not seem to have been any party to it.

⁷ Of Torrie, Dunbartonshire. Eldest son of Archibald Campbell, 7th Captain of Dunstaffnage, by his second marriage.

⁸ Of Barbreck, Craignish; also in Dunbarton and Bute Militia. Eldest son of Donald Campbell of Barbreck, Colonel of Horse in Argyllshire, 1648. A descendant of Colin, natural son of the 4th Earl of Argyll. The estate passed to the Duke of Argyll in 1732.

⁹ Of Kames, Isle of Bute. The property passed in the female line to the wife of Roderick MacLeod, W.S., whose son, Sir William MacLeod Bannatyne, a well-known judge, assumed the name of Bannatyne, and was created Lord Bannatyne in 1799. He sold the property.

¹⁰ Sir John Campbell of Airds, 3rd Bart., son of Sir George Campbell, 2nd Bart., who succeeded his uncle Sir John, 1st Bart., of Airds and Ardnamurchan. But neither he nor his father assumed the baronetcy, which was taken up, however, by the 6th Bart. of Airds. He left the regiment in 1694.

I am indebted to Sir Duncan Campbell, Bart., of Barcaldine, for kindly assisting me in identifying these officers.

The recruiting of the regiment was fairly quickly completed in the Western Highlands, but not before the battle of Killiecrankie had restored to James the whole country beyond the Forth. And, looking to the probabilities of the case, nothing saved the rest of Scotland from a similar fate but the death of the gallant Dundee. However, the regiment is soon found engaged in its unenviable duty of coercing its fellow countrymen; no doubt hoping to be even with some of the clans, for the Campbells had some old scores to wipe out. The Lowlands at this time were peaceful and progressive enough under the new Government, but the emblems of civil war still smouldered in the Highlands. There the poverty of the people and the want of industrial employment made peace anything but welcome to the chiefs or their retainers. There was ample occupation, therefore, for the Argyll Highlanders in reducing the strongholds of those who still held out for King James, in suppressing cattle stealing and other raids, and in otherwise maintaining order among rival clans. If there was little love lost between the Campbells and the Jacobite clans, and if the duties of the regiment were sometimes carried out in a manner which would now-a-days be considered unnecessarily severe, allowance must be made for the custom of the times, and for the manner in which the Campbells had themselves suffered. Only five years back the head of their clan, the ninth Earl, had been put to death, his property confiscated, and his sons exiled. Within the same period their lands had been overrun by ten of the Jacobite clans, who drove the population into the woods, and pillaged and burned their homes.

Deprived of their one capable leader in Dundee, the Highlanders after Killiecrankie were helpless. His death, in the moment of victory, broke the only bond which held them together, and in a few weeks the host which had spread terror through the Lowlands melted hopelessly away. The clans returned to their mountains, not forgetting to load themselves with plunder on the way. The opportunity was not lost on 'Coll of the Cows,' as Macdonald of Keppoch was called on account of his lifting propensities. With his own men and the Macdonalds of Glencoe he made his way through Perthshire, spoiling the lands and goods of Campbell of Glenlyon, a man who could ill afford the loss. By this raid,¹¹ which was carried out in violation of the Protection order which Glenlyon had

¹¹ *The Lairds of Glenlyon.* Priv. pub. 1886.

received from the Commander-in-Chief of King James' Army, Glenlyon and his few dependents lost their whole stock—all they had in the world—estimated at some £8000 of Scots money—a large sum in those days. To the unfortunate Laird, who had already suffered considerable misfortune, it meant such complete ruin that, driven in his advancing years, for he then bordered on sixty, to earn his daily bread, he was glad to accept a company in the Argyllshire Highlanders, in which he was destined to achieve an unfortunate notoriety.

By the end of 1689 the Argyllshire Highlanders—as the regiment may properly be called—were busy at work, one detachment under Captain John Campbell of Airds being specially employed in an effort to reduce what was clearly his own property—Castle Stalcaire or Island Stalker, between Lismore and Appin, but which was then held for the young Laird of Appin by his tutor John Stewart of Ardsheal fresh from leading the clan at Killiecrankie. The castle, which was strongly placed and well fortified, had been disposed of by the Stewarts of Appin some years before, but as Hereditary Keepers they had seized and held it for the King. In July, 1690, the headquarters of the regiment were at Perth, whence they marched to Stirling in anticipation of a descent of the Jacobites, but as that never came off the regiment was moved into Argyllshire, with Glencairn's Regiment,¹² for the purpose of reducing the Isles, the Earl of Argyll specially devoting himself to the strongholds in Mull. The castle of Island Stalker surrendered to him on the 9th October, 1690, and, to his credit, he treated the defenders considerately, and gave them honourable terms. After this he tried his hand hard at the castles of Duart and Cairnburgh, strongholds of the young Sir John MacLaine, the chief of that clan. Though the Highlands were comparatively quiet at this time, the war still smouldered, and the pacification of the clans was slow work. The attempt at bribing the chiefs had failed, and the Government were getting impatient, for they wanted the troops in Flanders. This was the situation when a suspension of arms between the 30th June and 1st October, 1691, was agreed upon, during which time negotiations for a permanent pacification went on. In August a proclamation was issued promising an indemnity to all Jacobites who should swear allegiance to William and Mary before the 1st January, 1692, and threatening with the

¹² Raised in Scotland, 1689, and commanded by John, 11th Earl of Glencairn. Disbanded 1690.

severest penalties those who should neglect the offer. And it is in connection with the enforcement of this order that occurs the one dark spot in the history of the Argyllshire Highlanders. The story of the Massacre of Glencoe has often been repeated, though rarely with strict regard to accuracy in detail, but it is impossible to avoid reference to it in this account of the regiment.

Most of the chiefs took the alarm at the proclamation, and escaped the threatened danger by tendering their allegiance before the appointed day, except Macdonald of Glencoe, whose pride delayed his taking the oath till after the latest date fixed by the proclamation; and, even then, the fact of his having sworn allegiance was not permitted to save him and his clan. Glencoe is a wild and somewhat gloomy vale in the district of Lorn, Argyllshire, but for beauty and grandeur is excelled by few passes in Scotland. Mists and storms brood over it through a great part of the finest summer, while, even on those days when the sun is bright and the sky cloudless, the impression made by the landscape is somewhat sad, though not quite such a Valley of the Shadow of Death as Macaulay so picturesquely describes it.

Sentence of extermination against the clan having gone forth from the King, through the influence of the Earl of Breadalbane and the Master of Stair, the instructions for the carrying out of the same were made clear and unmistakable. They were issued by Brigadier-General Sir Thomas Livingstone,¹³ Commander-in-Chief in Scotland, through Colonel John Hill,¹⁴ Governor of

¹³ Eldest son of Sir Thomas Livingstone, 1st Bart. of Newbigging. Succeeded the Earl of Dunmore as Colonel of the Royal Scots Dragoons, 31st December, 1688. Gained a decisive victory over the Highland army at Cromdale, in May, 1690. Appointed Brigadier-General, and Commander-in-Chief in Scotland, 1691. Created Viscount Teviot, 4th December, 1696. Commanded a brigade in Flanders in 1697. Lieut.-General, 1st January, 1704. Disposed of his regiment to Lord John Hay, 1704. Died in London, 14th January, 1711, aged 60, and was buried in Westminster Abbey.

¹⁴ Colonel, afterwards Sir John Hill, was an old soldier who had commanded at Inverlochy under Cromwell, and knew the Highlands well. At the time of the Revolution he was serving in Belfast, and had performed good service to the Protestant cause in Ireland. He returned to Scotland in 1690, raised the regiment which bore his name, became Governor of Fort William, which was built under his direction on the site of the old fort at Inverlochy. He is said to have been a kind hearted man, and not disposed to favour the massacre, the arrangements for which were therefore left to his second in command, Lieut.-Colonel James Hamilton. He was placed on half pay, 1698. In the *Dictionary of National Biography* he is described incorrectly as of Argyll's Regiment, to which he never at any time belonged, and is also confused with the Governor of Montserrat who died in 1697.

Fort-William, to Lieutenant-Colonel James Hamilton,¹⁵ each of whom perfectly understood the treachery about to be practised. 'The work,' wrote the Master of Stair to Lieutenant-Colonel Hamilton, who willingly undertook it, 'must be secret and sudden.' The troops were chosen from Hill's Regiment¹⁶ and the Argyllshire Highlanders—the latter not on good terms with the clansmen of Glencoe. On the 12th February, 1692, 400 of Hill's Regiment under Lieutenant-Colonel James Hamilton, and a similar number of the Argyllshire under Major Robert Duncanson,¹⁷ were ordered to Glencoe to co-operate on the following morning with Captain Robert Campbell of Glenlyon's company of the Argylls, which had been quartered peacefully in the Glen among the Macdonalds for some twelve days till all suspicion of their errand had disappeared. Indeed, during that time, he and his men had been living on the most friendly terms as the guests of those who were soon to be their victims; and so that there should be no inkling of what was intended, his men were not informed of the duty on which they were bent until the company paraded while still dark on the fatal morning of Saturday, the 13th February. Tradition says that the tune known as the Breadalbane March, the 'Carles with the Breeks,' and the 'Wives of the Glen,' was played by Glenlyon's piper on this occasion in the hope of warning the M'fians of their danger. It is said that one M'lan wife heeded the warning, and fled to the hills with her child, saving his life:

'Wives of wild Cona Glen, Cona Glen, Cona Glen,
Wives of wild Cona Glen wake from your slumbers;
Early I woke this morn, early I woke this morn,
Woke to alarm you with music's wild numbers.'

Without waiting for Hamilton's and Duncanson's detachments, which had been delayed by a storm of unusual severity, the troops, as arranged, fell upon their unarmed and unsuspecting hosts, and in a few minutes thirty of the clansmen with their chief lay dead—Hamilton's and Duncanson's parties arriving later

¹⁵ Lieut.-Colonel James Hamilton was Lieut.-Colonel and second in command of Hill's Regiment, 1690, and Deputy Governor of Fort-William. The arrangements for the massacre were placed in his hands. He left the service in 1694.

¹⁶ Raised 2nd September, 1690, to garrison Fort-William by Colonel, afterwards Sir John Hill: disbanded 18th February, 1698.

¹⁷ Of the family of Duncanson of Fassokie, Stirlingshire, noted adherents of the house of Argyll. Appointed Lieut. Beveridge's (14th) Foot, 16th February, 1689; Capt.-Lieut., 24th September, 1689; left, 1st July, 1690. Appointed Major, Argyllshire Highlanders, 1691; Lieut.-Col., 1695-1698. See also page 40.

and completing the tragedy; the rest of the Macdonalds, sheltered by the storm, escaped to the mountains to perish, for the most part of cold and hunger. It fell to the lot of Campbell of Glenlyon and his two subalterns—Lieutenant Lindsay and Ensign John Lundie—with a Captain Thomas Drummond, to act the principal parts in the tragedy, though Lieutenant-Colonel Hamilton and Major Duncanson acted with great brutality when they did arrive.

Glenlyon has been credited with perhaps an undue amount of the odium which very properly attaches to the massacre. If anything can be permitted to condone the breach of hospitality, treachery, and murder of which he was guilty, it is to be found in the positive orders he received from his superior officer,¹⁸ and in the provocation which he had received at the hands of the Macdonalds. With the Macdonalds of Keppoch they had completely ruined him and his clan: indeed his wife and family were at that very time struggling at home against the severest poverty. Glenlyon's life had been an unfortunate one. He was originally a man of prepossessing appearance and fine physique. He it was who in 1680 marched with the Breadalbane and Glenlyon men into Caithness in hostile array to reduce the refractory Sinclairs to obedience—the occasion on which tradition says that his piper improvised the well-known pibroch of 'The Carles with the Breeks,'¹⁹ also known as the Breadalbane march. In his youth he was unfortunately addicted to gambling and display, to which in later days he added an excessive love for wine. With his wife's extravagance his misfortunes increased, until his affairs were brought to a climax and ruin by the Macdonald raid in 1689. After this he appears to have existed on the charity of Breadalbane, who had to supply his outfit to enable him to accompany the regiment to Flanders.²⁰ He died at Bruges on the 2nd August, 1696, in the sixty-fifth year of his age—a broken man.

¹⁸ In an official letter received from Major Duncanson of his regiment, dated the 12th February, 1692, he was warned at the peril of losing his commission and the good will of the Government to carry out his instructions to the letter.

¹⁹ The tune has also been attributed to Breadalbane's piper, Finlay M'Ivor, on the occasion of the Caithness raid in 1680. But it has an earlier association with Coll Kitto (MacDonald) or Left-handed Coll at the time of some raiding and plundering on a considerable scale about the year 1645, when it is said to have been played by his piper, then a prisoner in the hands of the Campbells, as a warning to his master not to approach.

²⁰ *The Lairds of Glenlyon*. Priv. pub., 1886.

The degree of the Earl of Argyll's complicity in the massacre is not easy to determine. As commanding officer of the regiment, he must have been aware of the sentence of extermination which had been pronounced against the Macdonalds, but there is no evidence of his being a party to the treachery by which it was accompanied. Lockhart²¹ describes him as 'in outward appearance a good natured, civil, and modest gentleman,' whose actions were quite otherwise; while in Lochiel's²² eyes he appears a man of a frank, noble, and generous disposition. Judging from his conduct generally in the awkward duty upon which he was employed in the Highlands as colonel of his regiment, one is disposed to view his character in the more favourable light. The chief blame surely lies with those who conceived the massacre—the Earl of Breadalbane and the Master of Stair, and with the King, who so readily acquiesced in the scheme. Nor is it to the credit of King William that, when the affair became public and the prosecution of the chief offenders was recommended by the Committee of Enquiry, he made no effort to move in the matter. The subordinates, remorseless tools though they were, merely obeyed the orders of their superior officers.²³

Within a few weeks of these events the Argyllshire Highlanders received orders to march to Leith, with a view to early embarkation to join the army in Flanders. The order was far from popular with the men, who with difficulty concealed their aversion to leaving their country. The feeling was not, however, accompanied with anything like insubordination. It was merely the outcome of that pardonable devotion to their homes and those dear to them which characterised all the Highlanders of Scotland; feelings such as inspired Allan Ramsay's words in 'Farewell to Lochaber':

'The tears that I shed they're a' for my dear,
And no for the dangers attending on weir;
Though borne on rough seas to a far bloody shore,
Maybe to return to Lochaber no more.'

We find the regiment, however, at Brentford in the summer of 1692, and it did not for various reasons sail for Flanders till the

²¹ Lockhart's *Memoirs*.

²² *Memoirs of Sir Ewen Cameron of Lochiel*.

²³ A very able criticism of Lord Macaulay's account of the massacre appeared in *Blackwood's Magazine* for July, 1859. But the writer is not free from inaccuracy. For instance Colonel Hill was not knighted on account of his connection with the massacre, nor did Glenlyon ever become a Colonel, as is stated.

following spring, about the time King William was preparing to confront the superior numbers of the French under Louis XIV. William was at his best as a soldier: indeed he never appeared quite at ease except in the field of battle, where he repeatedly proved his high personal courage. Lieutenant-Colonel Robert Jackson²⁴ took the regiment out, and if bravery in the field could atone for their unfortunate connection with the Glencoe affair, it will be found that the Argyll men did their utmost to wipe away the stain which attached to their name.

In May, 1693, the regiment was encamped at Parck, with the army under King William covering Brussels and Upper Brabant, and formed part of the Scots Brigade under Brigadier-General Ramsay. On the 1st July it was detached with a force of 8,000 Infantry and 600 Cavalry under the Prince of Würtemberg, and bore the brunt of the fighting on the 9th July, when the Count D'Alfeldt's Division played a brilliant part in forcing the fortified lines between the rivers Scheldt and Lys at D'Otignies, and drove the French from their entrenchments with heavy loss.²⁵ The regiment eminently distinguished itself on this occasion, the Grenadier company under Captain Thomas Drummond leading the attack on Pont David. Without wincing, his Grenadiers kept steadily on in the face of the enemy's fire till they gained the parapet of the redoubt. The French fire was tremendous. Both the subalterns dropped; and, before the main body could reach the redoubt, the company was reduced to a few scattered men, still fighting on against thirty times their number. At the end of the day more than a quarter of Drummond's company lay dead on the ground. The regiment afterwards accompanied Würtemberg's Division of the Allied Army, destined for the relief of Charleroi; but King William abandoned the enterprise. Charleroi fell on the 1st of October, the campaign closed, and the regiment went into winter quarters at Bruges. The year 1693 had not been a profitable one for the Allies. They had suffered a crushing defeat at the hands of the renowned Duke of Luxembourg at Landen, as at Steinkirk the year before. 'Am I always to be beaten by that hunchback?' exclaimed the King, passionately, alluding to the victorious French Marshal, who was

²⁴ Lieut.-Colonel Robert Jackson was appointed Captain in Tollemache's regiment in Holland, 1688; Lieut.-Colonel, Lord Cardross' Dragoons, 1689; Lieut.-Colonel, Argyllshire Highlanders, vice Sir Duncan Campbell, 1691; Lieut.-Colonel, Sir John Hill's regiment at Fort William, 1694; Died, 1696.

²⁵ D'Auvergne's *Campaign in Flanders*, 1693.

somewhat deformed. William III. was a soldier and a general of no mean order, but in strategy he was much inferior to Luxembourg, who was known in France as the *tapissier* of Notre Dame, from his having upholstered that Cathedral with so many captured flags. Macaulay has given a vivid portrait of William at the battle of Landen, and his admirable retreat from that fatal field.

Shortly after the arrival of the Argyllshire Highlanders in Flanders some busybody reported to King William that certain men of the regiment were in the habit of drinking to King James's health; which was quite possible, seeing that many of the Campbells were known to have strong leanings in favour of the Stuarts and hereditary right, although, since the restitution of the MacCailean-Mores to their homes and dignities, they kept their feelings quiet. Turning to General Tollemache—the Talmash of *Tristram Shandy*—the King asked how they behaved in the field. 'As well as any troops in the army,' was the reply. 'Well, then,' rejoined the sensible King, 'if only they fight for me, why, let them drink my father-in-law's health as often as they please.'²⁶

In March, 1694, the Earl of Argyll resigned the colonelcy of the regiment in favour of his son John, Lord Lorne, then a lad of fifteen, who was duly appointed captain of a company and colonel on the 7th April. The other principal officers at this time were Lieutenant-Colonel Robert Jackson, Major Robert Duncanson, Captains Neil Campbell, Duncan Campbell, Thomas Drummond (Grenadiers), Colin Campbell, senior, Colin Campbell, junior, Robert MacAulay, Alexander Campbell of Finab,²⁷ John Louis de la Bené, George Somerville, and Robert Campbell of Glenlyon. The Earl of Argyll, if not a great soldier, had performed useful service in Scotland since the Revolution. By considerable tact he had, through the influence of religion,

²⁶ Colonel Clifford Walton, C.B., in his *History of the Standing Army*, 1660-1700, tells the story of another regiment.

²⁷ Son of Robert Campbell, and great grandson of Sir Duncan Campbell of Glenorchy, 'Black Duncan.' Appointed Captain, Argyllshire Highlanders, 1st August, 1693. In 1699 went to Darien for the African and Indian Company of Scotland to regulate their affairs there, and for his services was presented with a gold medal specially struck in his honour. Appointed Captain of an additional company in the Cameronians, 24th June, 1701. Brevet Lieut.-Colonel, 29th March, 1703. Served with the Argyllshire Militia against the Jacobites in the '15. Is credited with having commanded one of the Independent companies which were incorporated in the Black Watch in 1739, but I am assured by the Marchioness of Tullibardine that he died before they were raised.

gradually habituated his followers to the new order of things, till the country of the Campbells exhibited a picture of peacefulness and civilization in strong contrast to the rest of the Highlands. In 1696 he was appointed Colonel of the Scots Troop of Life Guards. He was created a Duke 23rd June, 1701, became Major-General 12th May, 1702, and died at Newcastle, on his way to Scotland, on the 28th September, 1703, and was buried at Kilmun, the burying-place of the family of Argyll.

In 1694 the army of 90,000 men which William commanded did no more than hold the French successfully at bay; year after year he had to fight against odds. Soon after the campaign of 1695 opened, the regiment, under command of Lieutenant-Colonel Patrick Hume,²⁸ recently appointed in place of Lieutenant-Colonel Jackson, was detached with a large force, under Major-General Ellenberg, to garrison Dixmude, which was invested by the French. This General, a Danish officer who had risen from the ranks, was in command. Of supplies and munitions of all descriptions there were plenty. The works were not strong, but the place was capable of a prolonged resistance. Not twenty-four hours, however, had elapsed after the trenches were opened before Ellenberg beat a parley and called a Council of War. He laid before the Council the condition of the place, and proposed a capitulation, to which, after some persuasion, the majority of the officers consented. But Lieutenant-Colonel Robert Duncanson, who had succeeded Lieutenant-Colonel Hume in the command of the Argyllshire Highlanders, though the youngest in the Council of War, flatly refused to give his adherence.²⁹ With only one supporter, he urged that as yet there was no breach, and the enemy had not effected a lodgement in the counterscarp, and to talk of surrender was dishonourable. The General, however, obtained a majority, and the capitulation was signed the next day—17th July, 1695. It is recorded that the soldiers forming the garrison were greatly exasperated when required to lay down their arms and surrender their colours as prisoners of war. The Argyll men were loud in their remonstrance, and, to their credit and honour be it said, rather than the colours under which they had fought so well should fall into the hands of the enemy, they tore them from the poles and destroyed

²⁸ Lieut.-Colonel Hume, who was appointed Lieut.-Colonel of the regiment in 1695, only served a few months. He was mortally wounded when serving on the staff of General Ramsay at the siege of Namur, and died in July, 1695.

²⁹ D'Auvergne's *Campaign in Flanders*, 1695.

them.³⁰ General Ellenberg was tried by Court Martial, and beheaded; O'Farrel was cashiered and imprisoned; while most of the others who had signed the capitulation were broke. The officers and men of the garrison were shortly afterwards released, and the regiment went into winter quarters at Damme. The year's campaign ended in a great triumph over the French in the capture of Namur, which would have been more marked had King William been able to follow it up by a victory in the field.

The campaigns of 1696 and 1697 were uneventful, the duty of the regiment consisting chiefly in protecting Bruges, Nieuport, and the neighbourhood. The war, in fact, was fast drawing to a close, and when King William returned to Holland in the spring of the latter year, peace negotiations were on the point of being opened at Ryswick. No further military operations took place, and it only remains to add that France, reduced to utter exhaustion, was only too ready to consent to peace, which was concluded by England, the United Provinces, and Spain on the 10th September, 1697: the Emperor definitely acceded on the 30th October. And so ended the military service of the Argyllshire Highlanders, the first Highland regiment raised for the British Standing Army. For though there was an Independent Foot Company of 'Highland men' on the Scottish establishment in 1678, and a similar 'Company of Highlanders' was raised by Lieutenant-General Hugh Mackay in 1689, there appears to have been no Highland Regiment on the establishment prior to the raising of the Argyllshire Highlanders in 1689. The late Colonel Clifford Walton, C.B., in his *History of the British Army, 1660-1700*, claims the distinction for Colonel George Hamilton's Scottish Regiment of Foot. But Hamilton's Regiment, though raised in Scotland, was apparently not raised in the Highlands. Nor was it formed until more than three years after Argyll's regiment.³¹ The Argyllshire Highlanders were disbanded in

³⁰ *Treasury Papers*, vol. 83.

³¹ See Dalton's *Army Lists and Commission Registers, 1661-1714*, vol. iii. Hamilton's Regiment was raised, 1st February, 1693, by Colonel Sir James Moncrieff, Bart., who died the same year, when he was succeeded by Colonel George Hamilton, not to be confounded with Lieut.-Colonel James Hamilton who was implicated in the massacre of Glencoe. In February, 1794, the regiment went to England, and embarked shortly afterwards for Flanders, serving there until the Peace of Ryswick when it returned to Scotland. In 1701 it was taken into the service of the States General, in which it continued all through the wars of Queen Anne, behaving itself on all occasions with unquestionable fidelity. It was disbanded at Bergen-op-Zoom, 1st November, 1714, when the officers were sent adrift 'without half-pay or any allowance whatsoever.'

Flanders, the officers and men returning home by the end of 1697, the former being placed on half-pay in 1698.

Lord Lorne's connection with the regiment had been very slight, though he nominally commanded it since April, 1694. He succeeded his father as second Duke of Argyll in 1703, and was created Duke of Greenwich in 1719. Pope immortalized him in the well-known lines :

‘Argyll, the State's whole thunder born to wield,
And shake alike the Senate and the field.’

But we are concerned with him here as a soldier. He served as a general officer under Marlborough at Ramillies, Oudenarde, and Malplaquet, in which last-named battle he greatly distinguished himself by his extraordinary bravery. He served also at the sieges of Ostend, Menin, Lille, and Ghent. As Lieutenant-General he commanded at the siege of Tournay, where he was wounded. In February, 1711, he was appointed Commander-in-Chief in Spain, with the rank of General. After his return he was appointed Commander-in-Chief in Scotland and Governor of Edinburgh Castle. He commanded the Government troops at Sheriffmuir against the Jacobite forces. He held at different times the colonelcy of the 3rd Foot, the Scots Troop of Life Guards, the 2nd Dragoon Guards, and the Royal Horse Guards. He was also Master-General of the Ordnance, Field Marshal, and Commander-in-Chief, besides being a K.G. and K.T. He died in October, 1743.

Lieutenant-Colonel Duncanson, whose admirable conduct in command of the Argyllshire Highlanders atoned in some measure for his unfortunate connection with the Glencoe affair, was appointed Lieutenant-Colonel of the Earl of Huntingdon's Regiment (afterwards the 33rd) on 12th February, 1702; Brevet Colonel in the Army, 1st November, 1703; Colonel of Huntingdon's Regiment, 22nd February, 1705; and died as a soldier, being killed at the siege of Valencia de Alcantara on the 8th May, 1705.

ROBERT MACKENZIE HOLDEN.

Charles the Second: His connection with Art and Letters

WE are over ready to think of the Restoration period as one of disgrace merely in our annals; we can spare a word, now and then, for its wit and its art. Charles the Second was a typical nobleman of his time; he loved pleasures of all sorts, including those of art. Horace Walpole styles him 'The only genius of the line of Stuart.'¹ Mr. Cyril Ransome credits him with 'consummate ability,' and calls him 'a man of great natural sagacity';² and the truth of the historian's comments must be owned by all acquainted, either with the political history of Charles's reign, or with its lively indecorous memoirs.

'Perfectly a friend to ease, and fond of pleasure' is the Merry Monarch's character as described by Sir John Reresby, who also declares that it was not in Charles' nature 'to think or perplex himself much about anything.'³

On the 16th of May, 1663, Samuel Pepys regrets 'that the king do mind nothing but pleasures and hates the very sight or thoughts of business.'⁴ But many facts prove that among the pleasures Charles loved were those of Art. His boyhood was not without intellectual promise. 'I wish you could see the gentleman,' writes Henrietta Maria, in an early letter concerning her son, 'for he has no ordinary mien; he is so serious in all that he does that I cannot help deeming him far wiser than myself.'⁵ His own early letters are bright. The following, to

¹ *Catalogue of the Royal and Noble Authors*, by Horace Walpole, art. James the Second.

² *A Short History of England*, by Cyril Ransome, M.A., pp. 277 and 264 (Longmans).

³ *Memoirs and Travels of Sir John Reresby, Bart.*, pp. 163 and 198 (Dryden House Memoirs edition).

⁴ *Pepys' Diary*, p. 154.

⁵ *Charles II.*, by Osmund Airy, p. 3 (Goupil's edition).

the Duke of Newcastle, was written when Charles was about ten years of age :

‘ My Lord,—I would not have you take too much physic, for it doth always make me worse, and I think it will do the like with you. I ride every day, and am ready to follow any other directions from you. Make haste to return to him that loves you.

Charles P.’⁶

The recipient of this letter, well-known as the husband of Charles Lamb’s heroine (‘ that princely woman—the thrice noble Margaret Newcastle ’) was Charles the Second’s first tutor. Clarendon describes the Duke as ‘ amorous in poetry and music, to which he indulged the greatest part of his time.’⁷ At this period also, the more literary side of the prince’s education was entrusted to Brian Duppa, a scholar of note.⁸ In 1641 Charles was removed to the charge of the Marquess of Hertford, who, according to Clarendon, ‘ loved his book above all exercises.’⁹ His third and last tutor was the Earl of Berkshire. Clarendon declares that this nobleman was unsuited to the charge ; but the others, as has been shown, were well qualified to teach a prince who was to become associated with art and letters.

Though his love for these things was chiefly noticeable after the Restoration, yet once, in the course of his flight from Worcester, Charles showed an interest in books. He was hiding at Mosely, the house of one Thomas Whitgreave—‘ a very honest gentleman’s house,’ according to the account Charles dictated to Pepys. ‘ The morning after his arrival there,’ so Whitgreave himself writes, Charles came into the ‘ studie,’ where, ‘ looking upon severall books, he saw Mr. Turbervill’s Catechisme, and read a little of itt, said itt was a pretty book, and that he would take it with him.’¹⁰

According to Laurence Echard¹¹ (1670?-1730) and Clarendon, Charles, when at Cologne in 1654-55, spent much time in study.

⁶ *Ellis’s Original Letters*, vol. iii., pp. 286 and 287.

⁷ *History of the Great Rebellion*, by Edward Hyde, Lord Clarendon, vol. iii., p. 393 (edition of 1799).

⁸ *Dictionary of National Biography*, art. Brian Duppa.

⁹ *Clarendon*, vol. i., p. 603.

¹⁰ *After Worcester Fight*, by Allan Fea, p. 166.

¹¹ *Memoirs of the Court of England*, by John Heneage Jesse, vol. ii., p. 453 (Bohn’s edition).

Clarendon writes: ' . . . and he, being well refreshed with the divertissements he had enjoyed, betook himself with great cheerfulness to compose his mind to his fortune, and with a marvellous contentedness prescribed so many hours in the day to his retirement in his closet; which he employed in reading and studying both the Italian and French languages; . . . ' ¹²

This is a flattering picture! At this time Charles was well aware that it was politic to establish a good character.

II.

The name of Charles I. must ever be associated with the history of painting. It did not fall to his son's lot to foster the genius of a Vandyke or a Rubens. Yet Charles the Second inherited some part of his father's taste for the plastic arts, and he patronised painting and architecture.

At the Restoration Lely was at once advanced in high favour by Charles the Second, who gave him a pension, and kept him constantly employed. From that time to his death, Lely's career was one of success and popularity. Charles himself frequently visited the artist's studio, and treated him as a personal friend. Lely was knighted at Whitehall on the 11th of January, 1679, and received a grant of arms.¹³ Another artist patronised by the king was William van de Velde. A native of Leyden, he was invited by Charles to England, where he arrived in 1675. He became 'painter of sea fights' to the crown, and received a pension of £100 per annum.¹⁴ His son was also in royal favour. William van de Velde the younger, after gaining a reputation as a painter in Holland, came with his father to London. In 1674 Charles granted the artist a salary of £100 per annum, and commissioned him to paint pictures of naval battles. Many pictures by Van de Velde the younger represent actions between the English and Dutch Fleets.¹⁵

St. Paul's Cathedral was rebuilt under Charles the Second's auspices,¹⁶ and he patronised Christopher Wren. The architect had devoted his early years to science. The first definite

¹² *Clarendon*, vol. v., p. 397.

¹³ *Dictionary of National Biography*, art. Sir Peter Lely.

¹⁴ *Bryan's Dictionary of Artists and Engravers*, art. Van de Velde.

¹⁵ *Ibid.*, art. Van de Velde the younger.

¹⁶ *Jesse*, vol. ii., p. 486. See also *After Worcester Fight*, p. 244.

information we receive of his applying himself professionally to architecture, is his accepting, in his twenty-ninth year (1661), the invitation to act practically as surveyor general of His Majesty's works, though nominally as assistant to Sir John Denham. Wren was knighted in 1672, and in 1684 was appointed by the King to the post of 'Comptroller of the Works in the Castle of Windsor.'¹⁷

Evelyn, himself an ardent connoisseur, testifies to Charles' love for, and patronage of the plastic arts. The diarist writes (11th May, 1661):¹⁸

'My wife presented to his Majesty the Madona she had copied from P. Oliver's painting after Raphael, which she wrought with extraordinary pains and judgment. The King was infinitely pleas'd with it, and caus'd it to be placed in his cabinet amongst his best paintings.'

Evelyn introduced Charles to the work of Grinling Gibbon, sculptor and wood-carver, whose decorations may still be seen in many seventeenth century houses. Evelyn writes (1st March, 1671):¹⁹ 'I caused Mr. Gibbon to bring to Whitehall his excellent piece of carving, where being come, I advertis'd his Majestie, who ask'd me where it was; I told him in Sir Richard Browne's (my father-in-law) chamber, and that if it pleas'd his Majestie to appoint whither it should be brought, being large and tho' of wood heavy, I would take care of it; "No," says the King, "shew me the way, I'll go to Sir Richard Browne's chamber," which he immediately did, walking along the entries after me, as far as the ewrie, till he came up into the room where I also lay. No sooner was he enter'd and cast his eye on the work but he was astonish'd at the curiositie of it, and having consider'd it a long time and discours'd with Mr. Gibbon, whom I brought to kisse his hand, he commanded it should be immediately carried to the Queen's side to show her.'

Charles must have been well pleased with the carver's work. He purchased from Gibbon a carving representing the 'Stoning of St. Stephen,' containing seventy figures, and carved out of three blocks of wood. Gibbon executed two marble statues of the King. He was made master carver in wood to the crown, and he also held an office on the Board of Works.²⁰

¹⁷ *Dictionary of National Biography*, art. Sir Christopher Wren.

¹⁸ *Evelyn's Diary*, p. 276 (Chandos Classics edition).

¹⁹ *Evelyn's Diary*, p. 353.

²⁰ *Dictionary of National Biography*, art. Grinling Gibbon.

But the example of Charles' patronage of the plastic arts most worth remembering is as follows: An artist called Streeter ('That excellent painter of perspective and landskip,' Evelyn calls him)²¹ was to undergo a serious operation. The king had a great regard for the artist, and he sent for a famous surgeon from Paris on purpose to perform the operation.²²

Samuel Pepys, himself a keen lover of 'musique,' testifies to Charles' appreciation of the greatest of all arts. The diarist writes (12th August, 1660):²³

'After sermon a brave anthem of Captain Cooke's which he himself sang, and the King was well pleased with it.'

And again (10th November, 1660):²⁴

'And after supper a play, where the King did put a great affront upon Singleton's musique, he bidding them stop and made the French musique play, which my Lord says, do much outdo all ours.'

And the Count Grammont writes:²⁵

'There was a certain Italian at court, famous for the guitar; he had a genius for music, and he was the only man who could make anything of the guitar; his style of playing was so full of grace and tenderness that he would have given harmony to the most discordant instruments. The truth is, nothing was so difficult as to play like this foreigner. The king's relish for his compositions had brought the instrument so much into vogue, that every person played upon it, well or ill.'

There was at Whitehall a concert-room called the King's music-house,²⁶ and Sir John Hawkins, in his *History of Music*, says that Charles 'understood the notes and sang—to use the expression of one who had often sung with him—a plump base.'²⁷ In an early letter to his sister Henrietta, Charles writes:²⁸

'I send you this letter by the hands of Janton, who is the best girl in the world. We talk of you every day, and wish we were with you, a thousand times a day. Her voice has almost entirely returned, and she sings very well. She has taught me the song

²¹ *Evelyn's Diary*, p. 381.

²² *Ibid.*, footnote.

²³ *Pepys' Diary*, p. 50.

²⁴ *Ibid.*, p. 60.

²⁵ *Memoirs of Count Grammont*, p. 153.

²⁶ *Rochester and other Literary Rakes at the Court of Charles II.*, by the author of *The Life of Sir Kenelm Digby*, p. 43.

²⁷ *History of Music*, by Sir John Hawkins, vol. iv., p. 359.

²⁸ *Madame: A Life of Henrietta of Orleans*, by Julia Cartwright, p. 53.

de ma queue, "I prithee, sweet harte, come tell me and do not lie," and a number of others.'

And in another letter to his sister he writes: 'Thank you for the song which you have sent me.'²⁹

III.

Charles the Second had a good library, and it is reasonable to suppose that he loved some of his books, for Reresby declares that 'certain it is, he was much better pleased with retirement, than the hurry of the gay and busy world.'³⁰ The catalogue of his books still exists,³¹ and contains such entries as the following :

Book of Homilies.
Boethius (Hector), History of Scotland.
Boileau, ses Ouvres, 4to.
Bocaccio Decameron.
Boscobell, the King's Escape there.
Broome's Horace.
Hobbs answered by Wallis.
Homer's Iliads.
Hooker's Policy, fol.
Hudebras, by Butler, vol. 1.
Idem, vol. 2.
Kempis de Imitatione Christi, par Graswinckelium, in French, by Corneille.
K. Charles 1st, Icon Basilicon.
Liberty and Necessity, by Br. Bramwell and Hobbs.
Liveing Holy, by Taylor.
Liberta Jerusalem di Tasso.
Queen Fayry, by Spenser.
Quixot (Don) with Gayton's notes.
Questiones de la Naissance du Mond.
Seneque, ses Oeuvres, vol. 1.
Idem, vol. 2nd.
Selden's Domion (*sic*) of ye Sea.

Many of Charles' Books were plays, contemporary or otherwise :

Broome's Northern Lass, a play.
Hoe Northward
Westward
Eastward
Honner and Riches Contention, a play.

²⁹ *Madame : A Life of Henrietta of Orleans*, by Julia Cartwright, p. 55.

³⁰ *Reresby*, p. 201.

³¹ *Harleian MS.*, 4180.

Kindness, a Woeman Kild by it, a play.
 Knight of the Golden Sheild, a play.
 Love's Labour Lost, a play.
 Love in a Maze, a play.
 Loves of Triolus and Cressida, a play.
 Seaven Champions, a play.

Indeed Charles the Second was a keen patron of the Drama. An immediate result of the Restoration was the revival of the theatre. The acting of plays had been prohibited during the Protectorate, but on the King's accession permission was given for the establishment of two theatrical companies—the King's (under Sir Thomas Killigrew) and the Duke's (under Sir William Davenant). When Davenant's play of *Love and Honour* was first acted, Charles presented his coronation suit to Betterton, the actor.³²

IV.

The proverb, 'Know a man by his friends,' holds true in the case of a king, especially in regard to that king's connection with art and letters. It is necessary to consider the tastes of his court; to note if any courtiers were men of letters, and whether such courtiers were in royal favour. And it is necessary to consider the amount of royal patronage extended towards men of letters who were not, strictly speaking, courtiers. Now the Count Grammont, versed in the ways of the court of Louis XIV. (the court of Racine and Boileau) and long restored to it, speaks still in his old age with enthusiasm of the court of Charles the Second:

'Accustomed as he was to the grandeur of the Court of France, he was surprised at the politeness and splendour of the Court of England.'³³

The Merry Monarch loved to have poets, wits and scholars about him, and it is remarkable how many Restoration authors were *born*—to use the French expression. Of this 'mob of gentlemen who wrote with ease,' John Wilmot, Earl of Rochester, must be reckoned first, not only on account of his special intimacy with the king, but also because of the excellence of his verse. 'He was so much in favour with King Charles,' says Dr. Johnson, 'that he was made one of the gentlemen of the bedchamber, and comptroller of Woodstock Park.'³⁴

³² *Jesse*, vol. ii., p. 484.

³³ *Grammont*, p. 91.

³⁴ *Johnson's Lives of the Poets*, art. Rochester.

Pepys deplores the intimacy between Charles and Rochester, thinking it 'to the king's everlasting shame, to have so idle a rogue his companion.'³⁵ And the Count Grammont writes:³⁶ 'Lord Rochester is, without contradiction, the most witty man in all England; . . . No woman can escape him, for he has her in his writings, though his other attacks be ineffectual; *and in the age we live in, the one is as bad as the other in the eye of the public.*'

Sir Charles Sedley first appeared at Court about 1667. The king delighted in his society, and once asked him if he had not obtained from nature a patent to be Apollo's viceroy.³⁷ Sedley's poems were much admired by his contemporaries. Rochester spoke of their 'gentle prevailing art,' while the 'witchcraft of Sedley'³⁸ was an expression used by George Villiers, second Duke of Buckingham, a nobleman who, for a time at least, was one of Charles' literary friends. The two (Buckingham and Charles) were educated together, and when the King visited Scotland at the invitation of the Covenanters, the Duke of Buckingham was the only personal friend who accompanied him. At the Restoration he received proofs of royal favour, being made a Lord of the Bedchamber and a member of the Privy Council, and afterwards Master of the Horse and Lord Lieutenant of Yorkshire.³⁹ Buckingham was a lover and composer of music.⁴⁰ A more voluminous author than either Rochester or Sedley, he wrote many plays, notably *The Rehearsal*, which ridiculed the heroic drama of Davenant and Dryden. Charles Sackville, Earl of Dorset, was, after Rochester, the most attractive of Restoration courtier poets. He was a gentleman of the royal bedchamber, and in great favour with the king. Dorset took part in the great naval fight at Lowestoft in 1665. The night before the action he is said to have composed his song ('One of the prettiest that ever was made,' according to Prior):

'To all ye ladies now on land
We men at sea indite.'⁴¹

This last—verse-making on the eve of battle—is typical of the Stuart period.

³⁵ *Pepys' Diary*, p. 565.

³⁶ *Grammont*, p. 207.

³⁷ *Chambers' Encyclopædia of English Literature*, art. Sir Charles Sedley.

³⁸ *Jesse*, vol. iii., p. 326.

³⁹ *Ibid.*, p. 77.

⁴⁰ *George Villiers, second Duke of Buckingham*, by Lady Burghclere, pp. 134 and 150.

⁴¹ *Jesse*, vol. iii., p. 244, *et seq.*

Many authors other than those of noble birth enjoyed favour with Charles the Second. After the Restoration, Thomas Fuller and Richard Baxter were made chaplains to the King. Jeremy Taylor was appointed Bishop of Down and Connor, and Hobbes, who in 1647 had been mathematical tutor to Charles, received an annual pension of £100. It was a saying of Charles' in reference to the opposition which the doctrines of Hobbes met with from the clergy that 'he was a bear against whom the Church played their young dogs in order to exercise them.' When the king visited Norwich in 1671 he knighted Sir Thomas Browne, the author of *Religio Medici*,⁴² and when Abraham Cowley died, Charles declared, 'That Mr. Cowley had not left a better man behind him in England.'⁴³ Samuel Butler also found favour in the royal eyes. *Hudibras* was the king's favourite book;⁴⁴ he carried a copy in his pocket, and referred to it often.⁴⁵

'He never ate, nor drank, nor slept,
But Hudibras still near him kept.'

Dr. Johnson writes concerning Butler:⁴⁶

'In 1663 was published the first part, containing three cantos, of the poem of Hudibras which, as Prior relates, was made known at Court by the taste and influence of Lord Dorset. When it was known, it was necessarily admired; the king quoted, the courtiers studied, and the whole part of the Royalists applauded it. . . . It is reported that the king once gave him (Butler) three hundred guineas. . . .'

The case of Milton is noteworthy. 'The wonder is,' says Professor Masson in his life of the poet, 'that, at the Restoration, Milton was not hanged.' The poet was for some time in danger. His *Eikonoklastes* and *Defensio pro Populo Anglicano* were ordered to be burnt by the common hangman. But when the Bill of Indemnity passed the two houses and received the king's assent, Milton was not named as one of the excepted persons. The poet certainly had friends in the House of Commons. 'It has to be remembered, however,' says Professor Masson, 'that the Indemnity Bill had to pass through the Lords, with the strictest revision by that House of every

⁴² *Cyclopædia of English Literature*, art. Fuller, Baxter, Taylor, Hobbes and Browne.

⁴³ *Johnson's Lives*, art. Cowley.

⁴⁴ *History of England and Great Britain*, by Professor Meiklejohn, p. 501.

⁴⁵ *Rochester and other Literary Rakes*, p. 45. ⁴⁶ *Johnson's Lives*, art. Butler.

arrangement made by the Commons, and so that, if Chancellor Hyde, as Prime Minister for Charles, or if Charles himself, had lifted a finger against Milton, his escape would have been impossible.⁴⁷

Charles took pleasure in the society of Andrew Marvell, despite the fact that the poet had been assistant Latin secretary to Milton.⁴⁸ The king was also intimate with Edmund Waller. He once told the poet that his ode on Cromwell was superior to that on himself (Charles). 'Poets, sire,' was the apology, 'succeed better in fiction than in truth.'⁴⁹ Charles the Second gave Dryden the idea of writing *The Medal*. Walking one day with Dryden in Pall Mall, Charles said, 'If I was a poet, and I think I am poor enough to be one, I would write a poem on such a subject in the following manner,' and then gave him his idea. Dryden took the hint, carried the poem when finished to the king, and received a handsome present for it.⁵⁰ In spite of what he said on this occasion, Charles the Second has another claim than that of poverty to the name of poet. David Lloyd (1635-1692) mentions 'several majestick poems' written by Charles in his youth.⁵¹ Unfortunately Lloyd's statements are known to be inaccurate at times.⁵² Yet if, as Sir John Hawkins affirmed, and Horace Walpole (an unfavourable critic) thought probable, the following lines are really from the royal pen, the Merry Monarch must have had some skill in verse :

'I pass all my hours in a shady old grove,
But I live not the day when I see not my love;
I survey every walk now my Phillis is gone,
And sigh when I think we were there all alone;
Oh, then 'tis I think there's no hell
Like loving too well.

But each shade and each conscious bower when I find,
Where I once have been happy, and she has been kind;
When I see the print left of her shape on the green,
And imagine the pleasure may yet come again;
Oh, 'tis then I think that no joys are above
The pleasures of love.

⁴⁷ *Memoir of Milton*, by Professor Masson, prefixed to Macmillan's edition of the poet's works.

⁴⁸ *Cyclopædia of English Literature*, art. Marvel.

⁴⁹ *Charles I.*, by Sir John Skelton, p. 179.

⁵⁰ *Spence's Anecdotes*, p. 43.

⁵¹ *Rochester and other Literary Rakes*, p. 45.

⁵² *Dictionary of National Biography*, art. David Lloyd.

When alone to myself I repeat all her charms,
 She I loved may be locked in another man's arms ;
 She may laugh at my cares, and so false she may be,
 To say all the kind things she before said to me ;
 Oh, then 'tis, Oh, then, that I think there's no hell
 Like loving too well.

But when I consider the truth of her heart,
 Such an innocent passion, so kind without art,
 I fear I have wronged her, and hope she may be
 So full of true love to be jealous of me ;
 Oh, then 'tis I think that no joys are above
 The pleasures of love.' ⁵³

Mr. G. S. Street once wrote that 'The Stuart letters to one another are invariably delightful to read. Charles the Second's to Henrietta, and the few we have of hers to him, are, of course, the most charming by far.'⁵⁴ The king's correspondence is notable for an easy conversational style, a gift which was as rare in the seventeenth as in the eighteenth century. All the letters to Henrietta—'deare deare Sister,' as he calls her—are bright and readable, and breathe the most tender affection. 'For the future,' he writes on one occasion, 'pray do not treat me with so much ceremony, or address me with so many Your Majesties, for between you and me there should be nothing but affection.' At another time he tells her: 'I am sure I would venture all I have in the world to serve you, and have nothing so neare my harte, as how I may find occasion to expresse that tender affection I have for my dearest Minette.' And again: 'We have the same disease of sermons that you complaine of there, but I hope you have the same convenience that the rest of the family has, of sleeping the most of the time, which is a great ease to those who are bound to heare them.'⁵⁵ On several occasions Charles had need of all his skill as a correspondent. It must have been difficult to write to his brother James, asking him to leave the country before the Exclusion Bill was laid before the House of Commons. The king acquitted himself well in this task, and the following letter to the Duke of York is one of the best letters from the royal pen:

'Dear Brother,—I have already given you my reasons at large why I would have you absent yourself for some time beyond the

⁵³ *Jesse*, vol. ii., p. 485.

⁵⁴ 'Stewart Women,' by G. S. Street, *English Illustrated Magazine*, July, 1902.

⁵⁵ *Henrietta of Orleans*, pp. 53, 138 and 228.

seas. As I am truly sorry for the occasion, so you may be sure that I shall never desire it longer than it will be absolutely necessary both for your good and my security. In the meantime, I think it proper to give it you under my hand that I expect this compliance from you, desiring it may be as soon as conveniently you can. You may easily believe with what trouble I write this to you, there being nothing I am more sensible of than the constant kindness you have had for me, and I hope you will be so just as to be well assured that no absence nor anything else can ever change me from being truly and kindly.—Yrs,

C. R.⁵⁶

Charles the Second was great among kings and wastrels who have loved and patronised art; and after reading these letters one cannot marvel at the popularity which was his. 'With his subjects,' says John Richard Green,⁵⁷ 'Charles was always popular: the nicknames Old Rowley and The Merry Monarch attest even now the liking that they bore him.'

W. G. BLAIKIE MURDOCH.

⁵⁶ *Cavalier and Puritan in the Days of the Stuarts*, by Lady Newdigate-Newdegate, p. 60.

⁵⁷ *A History of the English People*, by John Richard Green.

The Scottish 'Nation' at the University of Padua

AFTER the thirteenth century the University in Italy to which both Scottish and English students were most indebted was the University of Padua. Bologna previously had been Alma Mater to a few of the travelling Scots, who entered the 'Natio Anglica' there, and of these Michael Scot, 'the wizard,' was, it is believed, one. When, however, the University of Padua was founded in 1222, during an eclipse of the older University, it attracted most of the representatives of the northern nations. At first at Padua the 'Natio Anglica' included all inhabitants of Britain, English, Scots, and Irish alike,¹ and in 1228, at the time when there was an abortive attempt to transfer the infant law university from Padua to Vercelli, we find that the 'Natio Anglica' among the Ultramontane 'nations' apparently existed, and that it was governed like the French and Norman 'nations' by a Rector.²

The increased knowledge of the English and the Scots students, and probably their mutual dislike, caused their eventual separation into distinct Nations. In the new statutes of 1331 they were still enumerated together, and in 1465 the 'Nation' is called that of the English and Scots, but in 1534 the Scottish and English 'Nations' were definitely separated, nor did they ever again formally unite as long as the 'Nations' lasted—that is, to 1738. We shall see, however, that after the Union of the Crowns complete friendship existed between their respective students. Although the University gained greatly in renown, and drew scholars from all parts of the North after Padua fell under Venetian

¹ See *De Natione Anglica et Scota, Iuristarum Universitatis Patavinae*. Scripsit Io Aloys. Andrich. Prefatus est Dr. Blasius Brugi, Patavii, 1892; on which this article is based.

² *The Universities of Europe in the Middle Ages*, by Hastings Rashdall, M.A. Oxford, 1895. Vol. ii., p. 14.

domination in 1465, the Scottish Jurist students were not always numerous, and the Germans had from early times the right of supplying vacancies in the Councils of the Ultramontane Nations when their own students were wanting, and we find their Council thus from time to time embraced Germans, Poles, Provençals, Cypriotes, Italians, and Burgundians. This fact and the mis-transcription of the Scots names in the early Paduan records which remain, make the identification of the early Scottish students difficult. In 1534 we find on the rolls the names of Claudius and Andreas Brocardus, Bernardus Giuellus, Urgetus Arnulduus, and Georgius Onis, in 1535-6 Iacobus Diourges [or De Fouerges] and Iacobus Galien, and in 1536-7 Ioannis Paulus Bassinus. In 1542-3 there appear the names Leonardus Waltrinus, and Ioannes Franciscus Waltrinus, another example of the early custom that two of a family made the course of foreign study together. The names of 'Thibouspt,' 'Laurenata,' and 'Schrenzer,' which follow, are even more difficult to identify, though in the last two cases the students are each definitely called 'Scotus.'

In March, 1581, there arrived at Padua that extraordinary Scottish meteor, James Crichton, called 'the Admirable.' Under thirty years of age, he came with a great reputation for the victorious 'disputations' which he had held with Professors and learned doctors both at Paris and in the presence of the Pope. The Professors of Padua, it is said, assembled to do him honour, and on his introduction he declaimed an extemporary poem in praise of the city, the University, and the persons present, then sustained a 'disputation' with them for six hours, winding up with an unpremeditated and unexpected speech 'in praise of ignorance, to the astonishment of all who heard him.' This somewhat uncomfortable guest seems to have palled upon the Professors of Padua, and there was a disposition to regard the brilliant youth as a charlatan, and to obviate this he offered to point out before the University the errors in the Philosophy of Aristotle, the ignorance of his commentators, and the wrong opinions of certain celebrated mathematicians. He did this; held, of course with success, a disputation with a rival philosopher, Archangelus Mercenarius, and then departed for Mantua, where he was made tutor to the Duke's young son, Vincenzo di Gonzaga, at whose hands he met his death in a carnival brawl a few years later.

In 1591 (the year before that in which Galileo began to teach

in Padua) the custom, which obtained coevally in the English 'Nation' also, of describing the scholars on entering the University commenced. It is very instructive, as it shows how turbulent the times were, and how even these youths, students of the laws, had all fought in their turn already, and that there was hardly one student either in the English or Scottish Nation who was not marked for life. Nor would their swords rust at Padua, where the quarrels between the students and the townspeople were incessant and of world-wide fame. In 1591 we find Iacobus Bancasinus 'with a scar in the middle of his brow' on the lists. In 1593-4 Georgius Ester 'with a scar in his left hand.' In 1594-5 Archibald Douglas 'with a scar on the left side of his brow.' During these years Gyberthus Greh (Gray?) was more happily distinguished as 'Scotus cum capillis flavis,' whereas Walser (Walter) Scotus, Iacobus Bonadinus or Bonatin (Buntin?), Georgius Locardus (Lockhart), and Andreas Moravius were more lucky in having no descriptive marks at all.

The year 1596-7 linked Padua more nearly to the history of Scotland on account of the matriculation there of John Ruthven, Earl of Gowrie. He was then about nineteen, and we get the personal note that he had 'a white mark on his chin.' His fellow intrants for the next two years were James Lindsay 'with a scar on his brow,' Andrew Keith with a scar on his right hand, 'Gulielmus Reiche' with a scar on his left leg. Robert Kerr of Neubottle (afterwards second Earl of Lothian) 'cum neo in manu dextera in digito annulari,' Patrick Sandys with a scar on the left of his brow, Thomas Segetus 'cum venecula sub oculo sinistro,' and (in 1598-9) 'Io. Gramus' cum cicatr. ad ocul dext,' as well as his own tutor, Mr William Rynd—the unfortunate man who was afterwards tortured on account of his pupil's conspiracy—who is described as 'Scotus cum ledigine super facie.' All these Scots were protected in the exercise of their Protestant faith by the Signory of Venice, and they owed their protection not to the favour of the Signory to the reformed religion, but to the Venetian desire of independence of the Pope and the consequent fear of the encroachment of the Papal power.

In 1597,³ the Earl of Gowrie's faith was still declared to be 'Protestant,' and he had about him not only Rynd, the pedagogue, but also a tutor, Sir Wm. Keith, whose name does not appear in the Padua lists. In spite of their influence he

³ *Information of Robert Ferguson*, Harl. MSS. 588; Brit. Mus., *Scottish Historical Review*, vol. i. p. 219.

coquetted, we are told, with the Catholics, and moreover dabbled in Alchemy and the Black Art, so that he too

‘Learn’d the Art that none may name
In Padua, far beyond the sea,’

a course of study, for which the University town was rather too celebrated. It was reported indeed that he planned his conspiracy in Padua, and left there on a dancing school, treasonable ‘armes parlantes.’ When he was killed in 1600, he had on his body ‘a little close parchment full of magical characters and words of enchantment,’ which his tutor, Rynd, said he had seen at Padua, and which no doubt gave him the reputation chronicled by Queen Elizabeth, that ‘he had a thousand spirits his familiars.’

Though it has been stated that Lord Gowrie was elected Rector at Padua, his name does not appear on the lists. Kerr of Neubottle, on the other hand, was in 1599-1600 on the Council of the ‘Nation,’ and his arms with those of countless other well-known Scottish families still ornament the *loggia* of *Il Bó*.⁴

On August 2, 1603-4, an important decision was given. The Scots were insufficient to fill the vacancy in the Council of their ‘Nation,’ and the English petitioned to be allowed to supply the place with one of their number, D. Simeon Foschint. This was granted ‘by grace not by right, as their kingdom is now united with Scotland under the same King.’ This was the beginning of a complete *rapprochement* between the two ‘Nations,’ and though the inherent right of the Germans to supply the vacancy remained (and was recognised in 1673, and again in 1695), we read in 1661 that it is noted specially that they exercised their right ‘*citra ullam contra-dictionem*,’ which probably means without the customary brawl. The Cardinal of Padua ‘*cui nemo contra dicere audebat*’ in the presence of the Praetor interfered, however, in 1684 to support an English candidate for a Scottish vacancy during a conflict with the Germans, stating that he was of Scottish descent, and it was

⁴ Besides those mentioned here I noted in the *Loggie* and *Aula Grande* of *Il Bó* many other Scottish coats of arms. Among them were those of ‘Dom. Arigus Erschen,’ Thomas Somervelle, ‘Antonius Lentrorshe Scotus,’ ‘Thomas Segetus Scotus,’ ‘Pat. Chalmers, Cons. Scotus,’ Wm. Cranston, ‘Iac. Murray, Scotus,’ Henry Leith, Robert Bannerman, David Dickson, Alexander Cranston, Alexander Falconer (‘Anglicus’), Thomas Setus (Seton?) There exists as well a tablet erected in 1662 to Robert Napierus, ‘Nob. Ang.’

eventually arranged on the 11th July of that year that the 'right of supply' should only be exercised by the Germans in default of either English or Scots candidates.

In 1607 an incident occurred which must have made the Signory of Venice look somewhat askance at the Scots within its gates. On October 11, Fra Paolo Sarpi, who had so strongly supported the Venetian Government in withstanding Papal aggression, was attacked by three *bravi* in the pay of the Pope. One of these⁵ was styled Giovanni di Firenze, son of Paolo, 'a man of medium height, eyes of a different colour, red beard, enrolled in the Company of Bartolamio Nievo of Vicenza, destined to serve in Syria,' and Sir Henry Wotton, the English Ambassador, writes despairingly, during the hue and cry raised on the flight of the assassins to Papal territory, that this Giovanni 'who wounded Master Paul is really a Scot, who passed here under the name of a Florentine, and that he had been in my house several times a day or two before the event.' This circumstance naturally turned the attention of the Venetians to the English and Scottish settlers, and the murder at Padua on January 20, 1608, of Julius Cæsar, an English student, aged 20, and the son of the King's Secretary, by a fencing master, Thomaso Brochetta, as well as the subsequent poisoning of one of the Catholics in the English Ambassador's suite, followed. The papers about this⁶ show that animosity was aroused, and that the corpse of the murdered man, as that of a Calvinist, though it lay in the Church of S. Catherine, was refused burial until the Podestà ordered a public funeral. This was given with the proviso 'to secretly exclude him from the Church and put him in a separate place,' and it points to the fact that no place of burial was provided for the Protestants, and therefore, unless the Scots students resembled the 'Allemaigns,' who, irrespective of religion, were buried in the Eremitana of Padua with Catholic rites,⁷ their bodies must have been committed to the sea near Malamoco, like those of the Protestant English who died in Venice.

In the year 1610, 4th March, King James I. took a little interest in his subjects in Padua, and Francesco Contarini, the Venetian Ambassador in England, reports his conversation.⁸ He began by desiring a special place of burial to be assigned for his

⁵ *Cal. of State Papers, Venetian*, 11, pp. 43-44.

⁶ *Ibid.*, pp. 84-86, 174-5.

⁷ *Ibid.*, p. 437, note.

⁸ *Ibid.*, pp. 426-37.

subjects, that they might not be 'thrown into the water,' and finally, he begged that at the University of Padua, students, his subjects, be not forced to take the oath. We answered that, after finishing their course and when proceeding to their degree, by ancient and unbroken custom students took the oath, but no one was forced to take the degree. His Majesty seemed satisfied, for he added—'It is true that unless it be necessary one does not change an ancient practice. That is a rule I invariably follow.' That Padua continued the residence of the students was solely owing to the tolerant Government, we learn from an Italian copy of a letter of (*circa*) 1612, of Sir Dudley Carleton, Ambassador at Venice, to the Doge.⁹ The Ambassador wrote that the arrest of his servant by the Inquisition was an injury to the reputation of the city, the liberty of which 'has attracted a congregation made up of all nations, and the resort of English to this city and to Padua (which is the same thing) has become so great that instead of four or five as formerly, there are now more than seventy here, some of them being young men of the principal houses, who cause no scandall in matters of religion, and do not offend against the laws, as the Rectors (*Rettori*) can bear witness. There are not more than ten Englishmen in the rest of Italy.' Here no doubt English and Scots are included under the one title. Let us glance then for a moment at the names of the contemporary young men who in the Scottish Nation caused no scandal in religious matters.

From 1600 to 1612 the Scottish students included John Craig, probably the physician to King James VI. (whom he declared to have been poisoned) and later to King Charles I., and some names more difficult to identify—Robert Clerus, Ludovicus Suanus (Swan?), Thomas Leitus, Nicholas Gar, and Archibald Schineassonus. The rest, Thomas Winstone, Henricus Crofets, Herculis Paulet, Ioannes Fiorius (Flower?), Carolus Busy, George Samuel, Fabritius Suardus, and Thomas Turner, who appear in the Scots list, are all obviously Englishmen, as was Franciscus Willubi in 1613-14. But 'Ioannes Wordor-bernius,' who matriculated in 1609-10, was a true Scot. He was John Wedderburn, the elder brother of James, Bishop of Dunblane. He eventually became 'Proto-Medicus' or Chief Doctor in Moravia, and was the man of some taste and wealth who, in the year 1637, presented the 'sang school' to his native town of Dundee. William Lithgow, the traveller, mentions him

⁹ *History MSS. Comm.* Duke of Buccleuch, Montagu House, i. p. 120.

when in Italy.¹⁰ 'In Padua,' he says, 'I staid three months lerning the Italian tongue, and found there a country gentleman of mine, a learned mathematician, but now' (1628) 'dwelling in Moravia, who taught me well the language and (was in) all other respects exceedingly friendly to me.'¹¹

But there were other Scots in Padua besides the Jurists who made up the Scots 'Nation,' who do not appear in the Jurists Rolls. Padua had by the sixteenth century become a very celebrated medical school, and, before Leyden and other Universities of the Low Countries took its place, sent out many young doctors to England and Scotland, and among these in 1602 was William Harvey, the discoverer of the circulation of the blood, who had studied anatomy there under Fabricius of Aquapendente. In 1610, the Latin poet, Arthur Johnston, graduated M.D. in Padua. In the 'Poetarum Scotorum Musae Sacrae'¹² we find a sympathetic poem by him, which contains a quaint conceit, on his teacher in anatomy, Julius Casserius of Piacenza, and one also on his friend and compatriot, George Sibbald, 'Rankeilaurius,' who was a Jurist and a Doctor as well, receiving the latter degree both in Philosophy and Medicine at Padua on June 9th, 1614. He, it is interesting to note, was uncle to Sir Robert Sibbald, who founded the Botanic Garden in Edinburgh in 1667; and one cannot help connecting this with the mention of John Evelyn, the diarist, of the 'Garden of Simples, rarely furnished with Plants,' which he saw when he too was a medical student at Padua.

It is perhaps not out of place in this context to quote what Evelyn wrote in 1645 about *Il Bó*—for so the University was called from an old *Osteria* ['The sign of the Ox'] no doubt familiar to all the students,—describing the buildings erected in 1552 by Jacopo Sansovino, which exist in much the same condition now as they did in his day. 'Hence to the scholes,' he writes, 'of this flourishing and ancient University, especially for the studie of physic and anatomie. They are partly built in quadrangle, with cloysters beneath, and above with columns. Over the great gate are the armes of the Venetian State, and under the Lion of St. Marc.

“ Sic ingredere et teipso quot-idie Doctior: sic egredere ut

¹⁰ About 1609. Wedderburn was born *circa* 1583, and died between 1647-51. *V. the Wedderburn Book*, by A. Wedderburn, vol. i., pp. 27-28-29. His arms still appear painted on the walls of the University.

¹¹ *Travels*, 1692, p. 44.

¹² *Edinburgh*, 1739, p. xlvi.

indies Patriae Christianaeq: Republicae utilior evadas; ita demum Gymnasium a te feliciter ornatum existimabit. CIO. IX."

'About the walls are carv'd in stone and painted the blazons of the Consuls of all the nations that from time to time have had that charge and honour in the Universitie, which at my being there was my worthy friend Dr. Rogers,¹³ who here took that degree.

'The Scholes for the lectures of the severall Sciences are above, but none of them comperable or so much frequented as the theatre of Anatomie, which is excellently contriv'd both for the dissector and spectators. I was this day invited to dinner, and in the afternoone (being 30 July) received my *Matricula* . . . My *Matricula* contained a clause, that I, my goods, servants and messengers, should be free from all toll and reprises, and that we might come, pass, return, buy or sell, without any toll, etc.' He speaks of the constant dangers from the street fights after sunset. 'Nor is it,' he says, 'easy to reform their intolerable usage, when there are so many strangers of several nations.'

Evelyn, however, was a student who, if he knew his privileges and dangers—knew his obligations also; thus we find that on 31st October, 1645, he invited 'all the English and Scotts in towne to a feaste' on Twelfth-day, 'which sunk our excellent wine considerably.'

To hark back, in the Scottish 'Nation' in 1617 we find William Leslie—no doubt the William Leslie, fourth son of the third Popish Laird of Balwhaine, and a Jesuit, who was Professor of Philosophy in Padua (the Macfarlane MS. says 'Perugia,' no doubt by mistake), and was then Rector of the Scots College at Douay. 'D. Jacobus Eschinus (Erskine) comes,' who was Conciliarius in 1622-3, and was perhaps the first Earl of Buchan of that family. Robert Bodius or Boyd has left the familiar fess-chequer on the *loggia* with the statement that he was 'Scotus Aberdonensis.' In 1633-7, the names are fairly representative, including Thomas Halybursonus (Haliburton), Archibald Douglas, Robert Hume, James Drummond, James Hammistan (Hamilton?), Alexander and David Carnegie, James Pedy, Thomas Dalzell, and 'James Betonius'—no doubt a Fifeshire Beatoun. In 1638-9 there is an Andricus Svinton, and in 1645-6 a Henry Swinton, and in the former year the noble 'Henricus Lindisy, latine Lindisaius, italice ut se superscripsit Lindisai,' was admitted, who in 1641 became under that description Prorector and Syndic of the English and Scottish

¹³ George Rogers, M.D., died Jany. 22, 1697.

Nations. In 1652, Thomas Forbes, son of William Forbes of Cotton, the boars' heads and crescent on whose shield still decorate the *Aula Grande*, graduated Doctor of Medicine, and later, before returning to Scotland, was Professor of Medicine at Pisa,¹⁴ and that Aberdeen was well represented we find by the names in 1640-50 of 'Iacobus Scadenedes' (Cadenhead), 'Iacobus Cadendus,' and 'Iacobus Cadenellus.' Many of the Scottish students entered Padua very young. In 1639-40 William Gray is mentioned as 'pupillus,' so were William Borthwick and Nathaniel Kennedy in 1665-6, but, on the other hand, in 1636-7 John Neutton is mentioned as being 'Scotus cum barba castanea.'

The Civil Wars in Britain and the constant brawls between citizens and students in Padua made the supply of students fall off towards the end of the seventeenth century; still in 1672 the north sent Charles Ramsay, and next year Robert Bannerman. In 1684-5 'Dominus Henricus Leith' is described both as 'Anglus' and 'Nob: Aberdonensis.' Bishop Burnet writes in 1685 that the University 'sinks extreamly,' and that 'the quarrels among the students have driven away most of the strangers that used to come to study here, for it is not safe to stir abroad here after sunset.' Yet in 1692-3 his kinsman, Thomas Burnet, 'filius quondam D. Thomae,' entered. In 1697-8 the name of 'John Walkinsheun' may be another link between Italy and the fortunes of the exiled Stuarts, being most likely that of John Walkinshaw of Barrowfield, who liberated 'Queen' Clementina Sobieska from Innsbruck for her marriage, and whose daughter, the unlucky Clementina Walkinshaw, followed Prince Charlie 'whither fortune might lead him.' The eighteenth century students' names are interesting as they are the last. They sometimes give the name of the father or the town, and they included from 1700-1709 Ioannes Inglis, Paulus Mayler, James Maneschell, and Edward Smithson, 'a Scottish noble' on the Council, who were from Edinburgh; (A John Marshall 'fil. Georgii Edinburgensis' matriculated in 1716-17 also) and David, son of 'D. Alex: Conningam.' In 1714-15 Henry Leslie, son of Charles—probably the Jacobite polemic writer, came, and in 1717-18, Hugh, son of Charles Baillie, James Kennedy, son of George, 'Eduardus Beancroft fil. Eduardi scotus,' and William, son of George Douglas. Edward Robinson, son of Tancred, entered in 1721-22, William Robertson, son of Archibald Robertson, was on the Council next year, and Patrick Wood, son of Thomas, appears in 1726-7.

¹⁴ Macfarlane Genealogical Collections. *Scot. Hist. Socy.*, ii. p. 480.

At this time one Mingo was Bidellus of the English and Scots, and also librarian of the library, which Tomasinus says they had possessed since 1649. The Consilarii prayed the Literary Triumvirs in 1727 to transfer the librarianship to Francis Callin, alleging that the former official had not spent the money entrusted to his care on the upkeep of the library, and desired that he should refund the money into the treasury of the Nations. The Literary Triumvirs, however, on the 26th of April confirmed the former librarian, though they at the same time promised to appoint Francis Callin 'quamprimum.'

The last two definitely Scottish names I find upon the list are those of Philippus Cullin, fil. Jacobi, in 1728-9, and Alexander Wemyst [Wemyss] 'fil. Davidis, Scotus-Britannicus,' in 1733-4, and in 1738 the Venetian Republic abrogated the ancient constitution of the University, and the 'Nation' ended. Thus for the northern peoples at least Padua's 'lamp of learning' no longer burned, and the University ceased to be the place of pilgrimage it had been when Coryate in 1608 could write: 'More students of forraigne nations doe live in Padua than in any one universitie of Christendome. For hither come, many from France, high Germany, the Netherlands, England, etc., who with great desire flocke together to Padua for good letters sake, as to a fertile nursery and sweet emporium and mart town of learning.'

A. FRANCIS STEUART.

Killiecrankie described by an Eye-Witness

THE chief authority for details of the Battle of Killiecrankie is Lieut.-General Hugh Mackay of Scourie, who led the army of William of Orange against the Jacobite troops under Viscount Dundee. There are passing allusions in various letters of the period which give clues to the order of battle; but no detailed history of Killiecrankie as seen by the Jacobites is known to exist. This is unfortunate, as Mackay could not know the disposition of Dundee's army save by conjecture and defective observation, and there is consequently much dubiety as to the events of the day. Professor C. Sanford Terry, in his *John Graham of Claverhouse, Viscount of Dundee*, gives a very graphic and probable account of the battle, founded principally upon Mackay's *Memoirs*. No writer on the subject, however, seems to have utilised the poems of Iain Lom MacDonald, the renowned Bard of Lochaber, who was with the Jacobite forces, and who composed two ballads about the battle while the scene was fresh in his memory. These have been traditional since his time, and are, no doubt, corrupted or altered from the original; but they are interesting as giving vivid glimpses of the Jacobite feeling of the period, and of the enthusiasm which pervaded the army of Dundee.

Iain Lom MacDonald is described by John Mackenzie¹ as 'a poet of great merit as well as a famous politician.' He was known as 'Lom' = bare, because he had no beard; and sometimes he is designated 'Manntach' from an impediment in his speech. He belonged to the Keppoch family, and was born in the Braes of Lochaber. The Rev. A. Maclean Sinclair² states that he was great-great-grandson of Iain Alainn, fourth Mac-Donald of Keppoch, and was a Roman Catholic. The exact date of his birth is not known, but it may be surmised

¹ *The Beauties of Gaelic Poetry*, 1904 edition, p. 32.

² *Orain le Iain Lom Mac-Dhomhnuill*, 1895, Antigonish, Nova Scotia.

64 Killiecrankie described by an Eye-Witness

that he was born about 1620, for his earliest poem is a lament for his chief, Angus Mac-Donald, and his own father, Domhnall Mac Iain mhic Dhomhnuill mhic Iain Alainn, who were slain at the skirmish of Stron-a-chlachain in 1640. Mackenzie declares that 'the first occurrence that made him known beyond the limits of Lochaber was the active part he took in punishing the murderers of the heir of Keppoch,' which event occurred in 1663; but long before that time Iain Lom had composed a memorial poem on Sir Donald Mac-Donald of Sleat (Domhnall mac Dhomhnuill Ghuirm) who died in 1643. From another poem of his it seems certain that he was present at the Battle of Inverlochy on 2nd February, 1645, when Montrose vanquished Argyll; and still another poem by him describes the Battle of Auldearn, fought in the following May, as though the poet has also witnessed that encounter. Iain Lom was apparently associated with Montrose throughout his campaign, and he commemorated in verse the capture of Sir Lachlan MacLean of Duart, the surrender of Dunaverty, and the betrayal and execution of the Marquess of Huntly, which events took place in 1647; while he lamented in pathetic language the execution of the Marquess of Montrose on 27th May, 1650, and the death in battle of Sir Lachlan MacLean in 1651. All these poems precede in date the *Mort na Ceapich* which Mackenzie quotes as Iain Lom's first poem. Even the song of welcome to Charles II. at the Restoration in 1661 was earlier than the poem on the murder of MacDonald of Keppoch.

The comprehensive little volume by the Rev. A. Maclean Sinclair, to which reference has been made, contains 41 poems by Iain Lom, arranged chronologically; and these cover the period from 1640 till 1707, the last undisputed poem dealing with the Union of the Parliaments. His final warlike poems are those that describe the Battle of Killiecrankie, (or Raon-Ruari, as the Highlanders call it), and they are usually accepted as the productions of an eye-witness. Iain Lom lived to an extreme old age. His death took place in 1709 or 1710, when he was probably in his 90th year. He was buried at Dun-Aingeal, in the Braes of Lochaber, and a few years ago a monument was erected to mark his last resting-place. Dr. Magnus MacLean³ thus characterises the venerable bard:—'A man of great force of character, he combined in his personality the ardent poet and the keen politician, the intuitive dreamer and

³ *The Literature of the Celts*, p. 270.

the restless man of action. This is the wonderful schemer whom some regard as the real genius of the Montrose Campaign during the Civil War. Were it not for him, it is certain, events could not have developed so favourably and so brilliantly for the victorious Marquess as they did. Keen Jacobite as he always was, he accompanied the latter on most of his marches.'

The two poems here literally translated into unrhymed stanzas, are of interest historically and philologically. Some of the expressions are obscure, probably because of alterations that have taken place in the course of oral tradition. The poems must be taken by the historian for what they are worth; but they are interesting as the record of an eye-witness of the fatal victory of Killiecrankie: it is believed they have not been translated before:

King James' Army Marching to the Battle of Killiecrankie.

It is high time that we were now on the march from this region,
Since we have made scarce beef.

After being a while in order with our host,
Our hardy young warriors advanced forward.

O, kind young darling, hast thou been wounded?
May the Great King look on thee wherever thou art.
'Twas on Tuesday morning commenced our move onward,
The sergeants passing on to us the word of command.

Near the shore the warriors halted;
The resolute brigades parading in good order.
As the shades of evening were falling, we encamped.
Our strong commander surveyed our lines.

The word of our Colonel⁴ to Sir Donald,⁵
As also our order to be in our keeping,
'Make no delay in posting sentries,
And keep your enemies at a distance.'

Wet was the morning when we donned our plaids,
And travelled to the house (where our transport carts awaited us).
When we arose we put on our garb;
Each one hurriedly strapped on his knapsack.

There was little sign of weariness when evening came;
As soon as a little flame was kindled of many sparks.

⁴ Coll MacDonald of Keppoch, the famous 'Coll of the Cows.'

⁵ Sir Donald MacDonald of Sleat, third Baronet. He set out from Lochaber to join Dundee, but fell ill and had to return home. His son, Donald Gorm, is mentioned in the second poem on Killiecrankie.

66 Killiecrankie described by an Eye-Witness

From the head of Loch Eil⁶ we marched,
And when the sun set we halted.
At the head of Loch Lochy we pitched our camp,
A day before Sunday and two days thereafter
Our friends all gathered on the spot,
And lifted up their hands in the presence of God's Son.
Gold and silver they despised,
And we left behind us our wives and children
Absolutely defying whatever injury our persons might suffer;
Little rest will we take until we slaughter Lowlanders.
Said the Graeme, the man of excellent disposition,
'Sons of the Gael, do not let me see your gloom;
Lift up your courage (minds), the time for you has arrived,
It is high time for us to be marching into the country before us.'
We marched out elated and stately,
Until we reached the head of Glenroy.
Up through Glen Turret and the pass of Drummond
Marched the men that were eager for the fray.
Over the heights of Druimuachder marched the gallants,
Of great hardihood and hard to weary;
When we reached Atholl, we found none but women,
The men kept out of our way for fear we would put them under tribute.
After mid-day, marching at ease,
We proceeded down by the bank of the river;
A horseman came in thro' the head of the valley
To tell us that Colonel Mackay and his company had arrived.
Short the consultation made by the King's people,
Up the side of the hill they went;
Copiously poured the sweat from each brow,
As thro' the north side of the pass they climbed.
The leader of the troop went before his men,
It would be cause for regret if he were absent;
Stubborn and proud was the spirit of the Macdonalds,
Though they suffered severely, they welcomed the hour.
Each Clan moved without (showing any signs of) being damped or
daunted,

⁶ This poem gives an itinerary of the march of the MacDonalds of Keppoch. Leaving Loch Eil (Inverlochy) on Tuesday, 18th July, they marched northwards to Loch Lochy, where they camped on Saturday, 22nd July, and waited till Tuesday, 25th, for the MacDonells of Glengarry, and other portions of the clan. On that Tuesday they marched by Glenroy, Glenturret, the Pass of Drummond, and Druimuachder, to Atholl, arriving there on the forenoon of Wednesday, 26th July. Proceeding along the banks of the Alt Chluain, they were met on Thursday, 27th July, by a horseman, who warned them that Mackay's troops were advancing from Dunkeld by the Pass of Killiecrankie. The MacDonalds then formed in order of battle under Dundee's command.

Killiecrankie described by an Eye-Witness 67

Without fear or tumult they fell into their own places ;
Stately we breasted our enemies,
And not an arrow was discharged that day needlessly.

At the close of the day⁷ we drew our swords,
We began our chopping as the sun set.
In spite of their thrusting, and though their hopes were strong,
They lost their ground, and their souls after it.

O heroic leader, thou didst fall in the fight,
And dreadful was thy arm, till thy hour came,
'Tis thy death, O Dundee, that left me in a nightmare,
Transfixed my heart, and bedewed my cheek.

'Tis small reparation for thy loss what fell of the beasts in the war
of King James,
Although victory rested with us ;
But dispersed like flies are King William's men,
And we are in grief though we chased them away.

Colonel Ramsay,⁸ great was his disgust at the time of being taken,
We were so wicked, and venomous towards our enemies,
That we wouldn't let go our hold of a single Lowlander.

O Colonel Balfour, worthless man,
I think you got all you wanted of warfare :
They smashed your crown, and brought your hat over your ears,
And they cut your boots at the back.

Killiecrankie.

In the name of Good I will begin
On the theme I have fancied ;
The close of our fame is not yet.

See ye not the sloops of the King
Pour their strength on the beach—
'Tis not William that I prefer,

But King James and his seed,
Whom God ordained for our defence.
No borrowed King is worthy of our homage.

But if thou comest not soon,
And thy defenders getting fewer,
I would as well thou wert over in Egypt.

⁷ This agrees with the statements of Mackay, 'half an-hour before sunset,' and of Balhaldy, 'the sun being near its close.' Indeed, the text of the poem confirms Professor Terry's account of the battle in every particular.

⁸ Colonel George Ramsay and Colonel Bartholomew Balfour commanded two regiments of the Scots Brigade from Holland. Balfour was slain at Killiecrankie.

68 Killiecrankie described by an Eye-Witness

Behold that unstable vapid crew
Who now in the place of state sit,
Branded by Satan with the seal of cowardice.

The sly scheming pack
In whom guile is innate,
The raven with the dirt of injustice hath fouled them.

'Twas not the traitor, worthy man,
That set fire to the peat,
But the head of a house, whom natural ties barred—
Became their beacon light.⁹

In the tender birch copse,
Near the farm of MacGeorge,¹⁰
Full many a gay cloak lies torn.

Many a helmet and skull
Lay in splinters on the knolls,
Blood ran in waves through the grass.

Ye got a ruffling in the wood
From the steel blades of Conn's seed
That sent ye over the hillocks sore wounded.

On Killiecrankie of thickets
Are many graves and stiff corpses.
A thousand shovels and spades were requisitioned for covering them.

Gallant Claverhouse of the steeds,
True leader of hosts,
Wae's me, thou should'st fall at the opening of the fray.

Like flaming fire to them (the foe) thy wrath,
Till fate crossed thy path ;
'Neath the folds of thy clothing the bullet pierced thee.

Great was the slaughtering by thy hand
'Neath thy white helmet.
Alas ! thy naked white corpse is being enshrouded.

Not one of your enemies would be up
From Orkney to Tweed,
Were it not for the stub that pierced thee in front.

When thy followers burst forth,
No crowd of herd boys they,
But men used to facing death-dealing arms.

⁹ This verse is obscure. It may mean that it was not the traitor (or bastard) Duke of Monmouth that had usurped the place of state, but the legitimate Prince of Orange, 'whom natural ties barred' because of his marriage to Mary, the daughter of King James.

¹⁰ This may be the farm of Lettoch, immediately adjoining the true site of the battle.

Killiecrankie described by an Eye-Witness 69

On the crest of the hill,
Above the dark of the thicket,
Stood the men who could rout the evil-doers.

The successful MacDonalds,
Ever victors in the fray,
Ne'er by rebels have they been dismayed.

Many a fellow of mettle
'Neath thy banner went forth,
Not of tow, but of flax, thy regiment.

Many a valiant youth
Who though meagre in flesh
Were cleavers of skulls, bones, and sinews.

My love on young Donald Gorm,¹¹
From the towers of Sleat and Ord,
'Tis a pity how sore he was dealt with.

My love on the young laird,
A tender plant was he,
But no camp-lingerer when lines were arrayed for combat.

My love on Black Alastair,¹²
From Ardgarry of the rills,
Who brought confusion to the renegades.

And his brother Iain Og,¹³
A ball passed through his flesh,
Very narrowly he survived the ordeal.

¹¹ Donald Gorm MacDonald, eldest son of Sir Donald, and afterwards fourth Baronet of Sleat. He greatly distinguished himself at Killiecrankie, where, according to the poem, he was wounded. In the Rising of 1715 he took a prominent part, and was attainted. His death took place in 1718, and he is remembered in tradition as 'Donald of the Wars.'

¹² Alastair Dubh MacDonell of Glengarry, who is said to have carried the Royal Standard at Killiecrankie. Macaulay gives a brilliant description of this hero's conduct during the battle. After the battle Alastair joined Generals Buchan and Cannon in an attempt to rally the Jacobites, but the enterprise failed. He led 500 of his clan to Sheriffmuir in 1715, but afterwards made his submission to General Cadogan at Inverness. He died in 1724. His eldest son, Donald Gorm, was at Killiecrankie, and 'fell gloriously after having killed eighteen of the enemy with his broadsword.' (Mackenzie, *Hist. of the Mac Donalds*, p. 348.)

¹³ Black Alastair had four younger brothers,—Angus, who succeeded to the lands of Scotus; John, (Iain Og), progenitor of the MacDonells of Lochgarry, now represented by Arthur Antony MacDonell of Corpus Christi College, Oxford; Donald, who fell at Killiecrankie; and Archibald, founder of the MacDonells of Barrisdale, now extinct. Iain Og, who was wounded at Killiecrankie according to the poem, was married to Helen, daughter of Donald Cameron of Lochiel.

70 Killiecrankie described by an Eye-Witness

'Tis Prince William and his men
Steeped this country in woe,
When they banished o'er seas King James from us.

Let me invoke ruin and plague,
Famine, malice, and death
On their race, as on the children of Egypt.

Each day that doth pass
May swords gnaw through their skin,
And dogs devour their remains on the hillside.

The French will come in
With their mighty camps and their horses,
And thy feast and thy trout-steak will be broiled for thee.

To Hanover thou'lt go back,
And thy coat will quickly come off.
'Tis the old grey dog's ring would serve you best.

Very bitter is this war,
Relentlessly waged;
With a snake's head it will have a peacock's tail.¹⁴

Dispute has arisen regarding the order of battle at Killiecrankie. Mackay gives one version, Balhaldy gives another, and Professor Terry is inclined to accept Mackay's statement. The following is the description given by the Rev. A. Maclean Sinclair, who apparently follows Balhaldy :

'At the battle of Killiecrankie, Dundee's men were ranged in one line, and in the following order from right to left: the Macleans, Colonel Cannon's Irish regiment, the MacDonalds of Moydart, the MacDonells of Glengarry, the cavalry, the Camerons, a battalion under Sir Alexander Maclean, and the MacDonalds of Skye. The Grants of Glenmoriston were with the MacDonells of Glengarry. Dundee had about 2500 men, and M'Kay about 4000. The battle began about seven o'clock in the evening, or half an hour before sunset. The Highlanders, whilst moving down the hill, received three successive volleys from M'Kay's line. When they got to close quarters and drew swords, the battle lasted only a few minutes. They gained as complete a victory as could be won.'

While it would be unreasonable to place Iain Lom's poems in a superior position as an authority on Killiecrankie to the technical description of an expert like Mackay, it is interesting to find so many confirmations of Mackay's history of the event in poems that have been preserved by continuous tradition.

A. H. MILLAR.

¹⁴ This obscure metaphor implies that the war, though begun in danger, would have a brilliant end.

Scottish Industrial Undertakings before the Union

V

THE SOCIETY OF THE WHITE-WRITING AND PRINTING PAPER
MANUFACTORY OF SCOTLAND (ESTABLISHED IN 1694).¹

AS early as 1590 an attempt was made to establish a paper manufactory in Scotland, but without success.² It was not till the year 1675 that it could be said that paper-works were actually founded. Mills were built at Dalry, on the Water of Leith, within easy reach of Edinburgh. Under the Acts of 1661 and 1662 foreigners were brought into the country, and the usual privileges granted to the manufacturers. The founders of this industry had the misfortune to have to re-build their mills owing to a fire having destroyed the original building. By 1679 the works were able to produce 'grey and blue paper much finer than ever this country formerly offered.'³ On March 7th of the same year a petition was presented to the Privy Council stating that not only did the manufactory supply good paper which had hitherto been imported, but also it was deserving of encouragement through its use of rags, 'which formerly were put to no good use.' The gathering of rags gave employment to numbers of poor people, and already many Scotsmen had been instructed in the art of making paper. The owners of the mills asked that they should receive encouragement by the Privy Council suppressing 'the faulty custom not practised anywhere else' of

¹ See *Scottish Historical Review*, vol. i. p. 407, and vol. ii. pp. 53, 287, and 406.

² *The Domestic Annals of Scotland*, by R. Chambers, i. p. 195, ii. p. 398.

³ *Ibid.*, ii. p. 398. In 1679 another paper work was established by Nicholas de Champ on the banks of the Cart. His apprentice erected a larger factory at Milnholm. *Glasgow Past and Present*, p. 1224; *Smiles' Huguenots*, p. 338.

employing fine rags for the making of wicks for candles. It was represented that cotton wicks should be used by the candlemakers, which, though dearer, would give better light. In reply to this petition, the Privy Council prohibited the use of rags for making candle-wicks.⁴

Another paper-mill had been established by Peter Bruce about 1685 in conjunction with the working of a monopoly he had obtained for the making of playing-cards. Bruce fell into monetary difficulties, as he alleged, through a bill of suspension 'surreptitiously stolen forth against him' by some merchants of Ayr whom he had prosecuted for contravention of his monopoly.⁵ Eventually the exclusive grant, together with the paper-mill, was transferred to James Hamilton of Little Earnock, who petitioned for a confirmation of the privileges enjoyed by Bruce. He obtained an Act of Parliament in 1693, which gave the privilege of a manufacture as defined by the Act of 1681 to his various undertakings.⁶

These works confined themselves to the production of coarse grey and blue paper, the attempts made to manufacture writing paper having failed.⁷ As in several other cases, local efforts to found new industries did not succeed through want of capital, and because (as recorded in the Act founding the Scots Paper Company) 'such undertakings cannot be managed otherwise than by a Society and incorporation.'⁸ Nicholas Dupin, a French refugee, who had already founded Paper Companies, which were so far successful, in England and Ireland, was encouraged by several noblemen to introduce English capital into Scotland for the manufacture of white paper. He had already had experience of Scottish industry through his connection with the promotion of the Scots Linen Company, of which he was Deputy-Governor.⁹ Accordingly he petitioned the Privy Council on July 5th, 1694, asking for the 'privileges of a manufacture' according to the Act of 1681. He stated that 'he had arrived at the art of making

⁴ *Domestic Annals of Scotland*, ut supra, ii. pp. 398, 399.

⁵ Privy Council Papers, 1685-6 (General Register House, Edinburgh). 'Petition to the Privy Council by Peter Bruce, Master of the Manufactory of Playing Cards.'

⁶ *Acts of the Parliaments of Scotland*, ix. p. 340.

⁷ Petition of Nicholas Dupin to the Privy Council, *Domestic Annals*, ut supra, iii. p. 86.

⁸ *Acts of the Parliaments of Scotland*, ix. p. 429.

⁹ See *Scottish Historical Review*, ii. p. 53.

all sorts of fine paper moulds as good or better as any made beyond seas and at a far cheaper rate, insomuch that one man may make and furnish more moulds in one week than any other workman of other nations can finish in two months' time.' He and his associates 'have arts to make the greatest mortar and vessel for making paper without timber,' and they have also provided 'several ingenious outlandish workmen to work and teach their art in this kingdom.'¹⁰ The Privy Council granted permission for the establishment of paper-mills in Scotland, 'but without hindering any persons already set up,' and also 'to put the coat of arms of this kingdom upon the paper which shall be made at these mills.'¹¹ On July 10th, 1695, by Act of Parliament, Dupin and his partners were granted the privileges of a manufactory, with the right to incorporate themselves under the title of the 'Scots White Paper Manufactory.'¹²

On the Act of the Privy Council being obtained in 1694, the first steps towards starting works had been made, on a small capital outlay. The mills appear to have been at Yester,¹³ and there was later a warehouse for storing paper in Edinburgh at Heriot's Bridge, in the Grass-market.¹⁴ A month after the passing of the Act in favour of the Company, articles of partnership were signed, on August 19th, 1695, which prescribed the internal management of the undertaking and fixed the terms for a new issue of shares. At the first general meeting every year thirteen shareholders were to be chosen to act as a governing body, and these should elect from their own number a Præsides.¹⁵ The capital already paid in, together with that now offered for subscription, amounted to £5000 sterling. This was divided into 1400 shares.¹⁶ No one person, except by an act of the general meeting, was allowed to subscribe for more than twenty shares, so that the minimum number of shareholders would have

¹⁰ Chambers' *Domestic Annals*, *ut supra*, iii. p. 86.

¹¹ *Ibid.*, iii. p. 87.

¹² *Acts of the Parliaments of Scotland*, ix. p. 429.

¹³ Parliamentary Papers, 1698 (General Register House, Edinburgh), 'Overture for an Act for the Improvement . . . of the White Paper Manufactory.'

¹⁴ Advertisement in *Edinburgh Gazette*, No. 8, March 23, 1699, Advocates' Library (bound with *Scots' Postman*).

¹⁵ *Articles concluded and agreed upon by the Society of the White Writing and Printing Paper Manufactory at Edinburgh, the 19th of August, 1695, in the terms whereof partners were to be assumed* [Edin., 1695], *British Museum*, 1391, c. 21, p. 2.

¹⁶ *Ibid.*, p. 6.

been seventy, if the issue had been taken up.¹⁷ Each five shares entitled the owner to one vote. The shares, like those of the King's and Queen's Corporation for the Linen Manufacture in England, with which Dupin was associated, were offered at £4 sterling, or a premium of 12 per cent. In addition, each shareholder was to pay a further premium of 18s. sterling of 'subscription money' to Dupin at the time of application.¹⁸ At the same time one-third of the £4 sterling was to be paid to the treasurer, and the remainder 'whenever the same shall be judged necessary by the general meeting or a Committee of seven persons, to be chosen out of their number for that effect.'¹⁹ In 1697 Dupin stated that the project was likely to have failed for want of enough subscribers, unless the promoters had taken up the shares themselves, which at that date they were prepared to offer 'at a reasonable rate.'²⁰

In 1696 the producing stage had been reached, and according to contemporary evidence, enough paper was being produced to supply the country.²¹ The next year the company, in support of a petition to the Privy Council, was able to provide evidence of having produced good white paper, but it required 'a little further encouragement to be an advantage to the whole kingdom.'

Mention was made of the great expense incurred in securing foreign workmen, and the fact that the making of paper had now been brought to perfection. The other industries that had received special privileges were less generally advantageous than this one, because they depended on foreign raw material, whereas paper not only was made from something found at home, but utilized what would otherwise have been a waste product. The company was able to undersell foreign paper, but in view of having introduced the manufacture of white paper, it asked the sole privilege of this trade in Scotland for a term of years, 'because it was unjust that others should reap the reward of their labours,' especially as the books for subscriptions had remained open for such a long time. It was also urged that there was some danger that their servants might be enticed away, and therefore they asked further powers similar to those conferred upon the Newmills Company.²² The latter concession was granted by the Privy Council,

¹⁷ *Ibid.*, p. 5.

¹⁸ *Ibid.*, p. 7.

¹⁹ *Ibid.*, p. 7.

²⁰ Acts of the Privy Council of Scotland, under July 15, 1697.

²¹ Chambers' *Domestic Annals*, *ut supra*, iii. p. 88.

²² Acts of the Privy Council, under July 15, 1697.

but in view of the existence of other paper-mills, the monopoly of white paper making was withheld. Having failed to obtain the monopoly, an overture of an Act was presented to Parliament in 1698 asking encouragement in other directions. Apparently the demand for paper made by the Company had increased considerably, for there was some difficulty in obtaining a sufficient supply of rags. An Act was asked prohibiting candlemakers from using wicks made of rags, as in the case of the Dalry Mills.²³ The candlemakers of Edinburgh petitioned against the draft Act, claiming that they had a prescriptive right to use rags in their trade. The Paper company had 'in a most clandestine manner' obtained an Act of the Privy Council preventing them from using rags as heretofore, and the candlemakers had raised a process of reduction. The company 'fearing the reduction would prevail,' had brought in the overture with a view to monopolising the supply of rags, reducing the wages of rag-pickers, and, in fact, obtaining the raw material at an artificially low price by abolition of the competition of the candlemakers.²⁴ The company also complained that not only did the Government abstain from using home-made paper, but that those who imported for official purposes ordered much larger quantities than were required, which were sold to the public. The draft Act also recited that 'the importing from Holland and the vending here of many English books which are usually, or may be, printed or reprinted here, is not only a manifest prejudice to the improvement of printing and the paper manufactory in this kingdom, but may also be the means of corrupting and leading the common people of this kingdom into dangerous errors by their reading such imperfect Bibles, New Testaments, Psalm-books, and Confessions of Faith.' Therefore it was proposed to levy a duty of a fixed percentage on all writing or printing paper imported, but this Act did not become law.²⁵

In the next year (1699) the company advertised a considerable stock of Imperial writing, printing, pressing, and packing papers.²⁶ After 1699 there is no further direct information as to the fortunes of the company. From a curious series of events it would appear, however, that, before 1705, the undertaking

²³ Parliamentary Papers, 1698, 'Overture for an Act for the Improvement . . . of White Paper.'

²⁴ *Ibid.*, 'Representations of the Candlemakers of Edinburgh against the White Paper Manufacture.'

²⁵ *Ibid.*, 'Overture of an Act,' etc.

²⁶ *Edinburgh Gazette*, No. 8.

had ceased to manufacture, and that the mills had been let to Evander M'Iver. At that date there were two Edinburgh newspapers, the *Gazette* and the *Courant*. For some time there had been a keen rivalry between the proprietors. It happened that in 1705 Evander M'Iver, who was described as the 'tacksman of the Scots-Manufactory Paper-Mills,' had petitioned the Privy Council to complete the reprinting of an English book, entitled *War betwixt the British Kingdoms Considered*. The *Courant* published this petition, and the Privy Council, disapproving of the work in question, suspended the publication of both newspapers.

W. R. SCOTT.

Reviews of Books

THE LIFE OF ST. PATRICK, AND HIS PLACE IN HISTORY. By J. B. Bury, M.A., Regius Professor of Modern History, and Fellow of King's College, in the University of Cambridge, etc. Pp. xv, 404. Demy 8vo. London : Macmillan & Co. 1905. 12s. nett.

THE last twelve months have seen the issue of two most important works dealing with the Patrician documents. The first to appear was *The Latin Writings of St. Patrick*, edited by Dr. N. J. D. White, and published in the *Proceedings of the Royal Irish Academy* (1904). This is the first critical edition of the Latin texts of the 'Confession' and of the (so-called) 'Epistle to Coroticus.' It quite supersedes Dr. Whitley Stokes's exhibition of the texts as they appear in his *Tripartite Life of St. Patrick*, edited for the Master of the Rolls, in 1887. Dr. White's is a really scholarly piece of work. And now, a few months later, comes Professor Bury's new volume.

Dr. Bury's work consists, first, of a reconstruction of the life of St. Patrick, after the sifting of the materials : and, secondly, very elaborate appendices, containing a critical inquiry into the sources, notes illustrative of the biography, and a series of learned Excursus, dealing with particular points, which were only briefly noticed, or but slightly treated, in the earlier part of the work.

For several years by the articles on Patrician subjects which have appeared in *Hermathena*, the *English Historical Review*, and in the columns of the *Guardian*, Dr. Bury has been preparing the small circle of scholars interested in the early history of Christianity in Ireland to expect from him a great work ; and the expectation has not been disappointed. We have here unquestionably the most important and valuable discussion of Patrician problems which has appeared since Dr. Todd's *St. Patrick Apostle of Ireland*, published more than forty years ago, a work which Professor Bury does not overrate when he says that 'in learning and critical acumen it stands out pre-eminent from the mass of historical literature which has gathered round St. Patrick.' While in arrangement, lucidity, enlarged outlook, and even in thoroughness, Dr. Bury distinctly surpasses his distinguished predecessor. It may be true that Todd, as observed by Dr. Bury, was not without an ecclesiastical bias ; but it does not follow (as Dr. Bury's volume proves) that a writer who has shaken off ecclesiastical prejudices is necessarily wholly free from prejudices of another kind.

Hitherto the soundest scholars have been disposed to attach but little value to the traditionary notices of St. Patrick which appear for the first time in writings dating some hundreds of years after the death of the saint. They have relied almost exclusively on the scanty authentic writings of St. Patrick himself. And here at least they were on sure ground. For, if anything is certain in the higher criticism of literature, it is certain that the *Confession* and the *Epistle* are the work of the Irish Saint. That Professor Zimmer should for a time have impugned the authenticity of the *Confession* seems to me only to prove that a man may be a brilliant philologist and a very bad critic. But Zimmer has recanted,—a hard thing to do,—so his arguments, such as they were, need not be considered further. I doubt whether any reader, properly equipped, and with no prepossession, could study these two documents, and not be profoundly impressed with the sense of their genuineness. It need not be said that Dr. Bury throws the whole weight of his learning and critical acumen in support, we may add, even ardent support, of the genuineness of the *Confession* and *Epistle*. He dismisses Pflugk-Hartung's recent attack on their genuineness with the brief remark, 'a piece of extraordinarily bad criticism.'

The value to be attached to the Patrician tradition embodied in later writings is a very different and difficult question, and one upon which there is legitimately room for a large variety of opinion. Prof. Bury attempts the extremely arduous task of weighing the evidence for the details of the later tradition, and works into his biography of the saint the results at which he has arrived. Here is the point at which there will be the largest amount of hesitancy and doubt in following our author. Certainly Prof. Bury is not, at least consciously, guilty of the fatal fault of many modern hagiologists, who after they have discarded the miraculous in the narratives, accept the residue as authentic. He expresses himself admirably when he says, 'The most striking parts of it [the Ulidian tradition] are pure legend, but they are framed in a setting which might include some literal facts . . . But the difficulty which meets the critic here is due to the circumstance that he has no sufficient records of a genuine historical kind to guide him in dealing with this mixed material. Most of those who have undertaken to deal with it have adopted the crude and vain method of retaining as historical what is not miraculous.' It is impossible in this short notice to examine Prof. Bury's work upon the traditional sources; but it is no small matter that he approaches the task with a full sense of its extraordinary difficulty.

The attention of students of ecclesiastical history may be specially called to the valuable Excursus (pp. 375-380) on the organisation of the Episcopate in the early Irish Church. The author gives weighty reasons for believing that bishops of Ireland were originally diocesan bishops, and that it was only gradually (perhaps never universally) that bishops appear as without sees, and as members or heads of monastic houses.

The time and labour expended by Prof. Bury on the Irish topographical questions raised by the place names of the Patrician literature deserves especial notice. Maps are supplied of part of Ulidia (Ulster), and of the kingdoms of Meath and Connaught. All future enquirers are bound to

avail themselves of these researches, even though they may be unable to accept them in every detail.

Dr. Bury has given us a really important and valuable work; but it seems to me that its value would not have been diminished by the excision of the occasional (though happily rare) sneers, covert or open, directed at what many Christians, especially among the writer's fellow-countrymen, regard with reverence. The editing of the *Decline and fall of the Roman Empire* has, it would seem, infected the editor with a tendency which is not among the many great merits of Gibbon.

We cannot conclude without noticing that, in the judgment of Dr. Bury, Scotland must surrender the distinction which has been so long generally, though not universally, accorded, of containing the birth-place of St. Patrick. We have reluctantly to confess that Dr. Bury seems to us to have made a strong case against Bannauemtarniae being placed in Strathclyde. But the recent investigations of Roman remains in the province of Valentia, exhibiting ample proofs of a long-settled civilization, go at least some way to detract from the force of the argument that we have no evidence that there were towns with municipal constitutions in Strathclyde. Some place in south Britain near the western coast is all that at present Prof. Bury can determine as to the spot which gave birth to the Apostle of Ireland.

JOHN DOWDEN.

THE SCOTS PEERAGE. Edited by Sir James Balfour Paul, Lyon King of Arms. Vol. I., pp. xv, 575; Vol. II., pp. vi, 602. Edinburgh: David Douglas, 1904-5. 15s. nett each. (To be completed in about six volumes.)

SIR JAMES BALFOUR PAUL is warmly to be congratulated on the issue of a second volume of the *Scots Peerage*. The general appearance of the volumes is excellent; the printing is clear, and as to the merits of the woodcuts readers of this magazine can judge from the examples which appeared in a previous number,¹ and which offer a marked contrast to the simple and homely appearance of the *Complete Peerage*, whose compiler is a Gallio in matters of book production.

However, in genealogical works the substance is incomparably more important than the form, and in this regard it seems sufficient to say that there is hardly an article here which does not constitute a marked advance on any previous account of the family concerned. An immense amount of matter has been brought to light and made available of late years which was unknown to old Peerage writers. Although this increases the labours of preparation, it renders possible the advance we have mentioned both towards accuracy and completeness.

There is much to be said both for and against a work of this kind being produced, as in the present case, by a number of collaborators. On the one hand, by getting a Kennedy to treat of *Cassillis* and a Lindsay of *Balcarras*, the special knowledge of particular families and

¹ See *Scottish Historical Review*, vol. ii., pages 4, 8, and 12.

unrestricted access to their charters and archives is secured, to which it would be quite impossible for a single editor to attain, unless he were prepared to devote a lifetime to preparation; on the other hand, there is bound to be some falling off in that uniformity of treatment which is so desirable. On the whole, however, the advantages outweigh the drawbacks.

The extent to which recourse must have been had to original documents is striking, the result being that many venerable errors which have been passed on from one peerage writer to another are here for the first time expunged. I have been able to test the truth of this very completely, as I have been for many years collecting genealogical data correcting and amplifying the received peerage accounts, from non-peerage sources—such as Records, Memoirs, Letters, etc.—and it is surprising to find in how many cases these manuscript notes are incorporated in the *Scots Peerage*.

The Editor makes some apology in his forewords for having curtailed in certain cases the historical matter, but this he need not do. No one goes to a book of this kind to learn the history of a country, but that of a particular family; and though the two are often inseparably connected, there should be as little swelling of the bulk by the former as is consistent with making clear the feats and conduct of the latter.

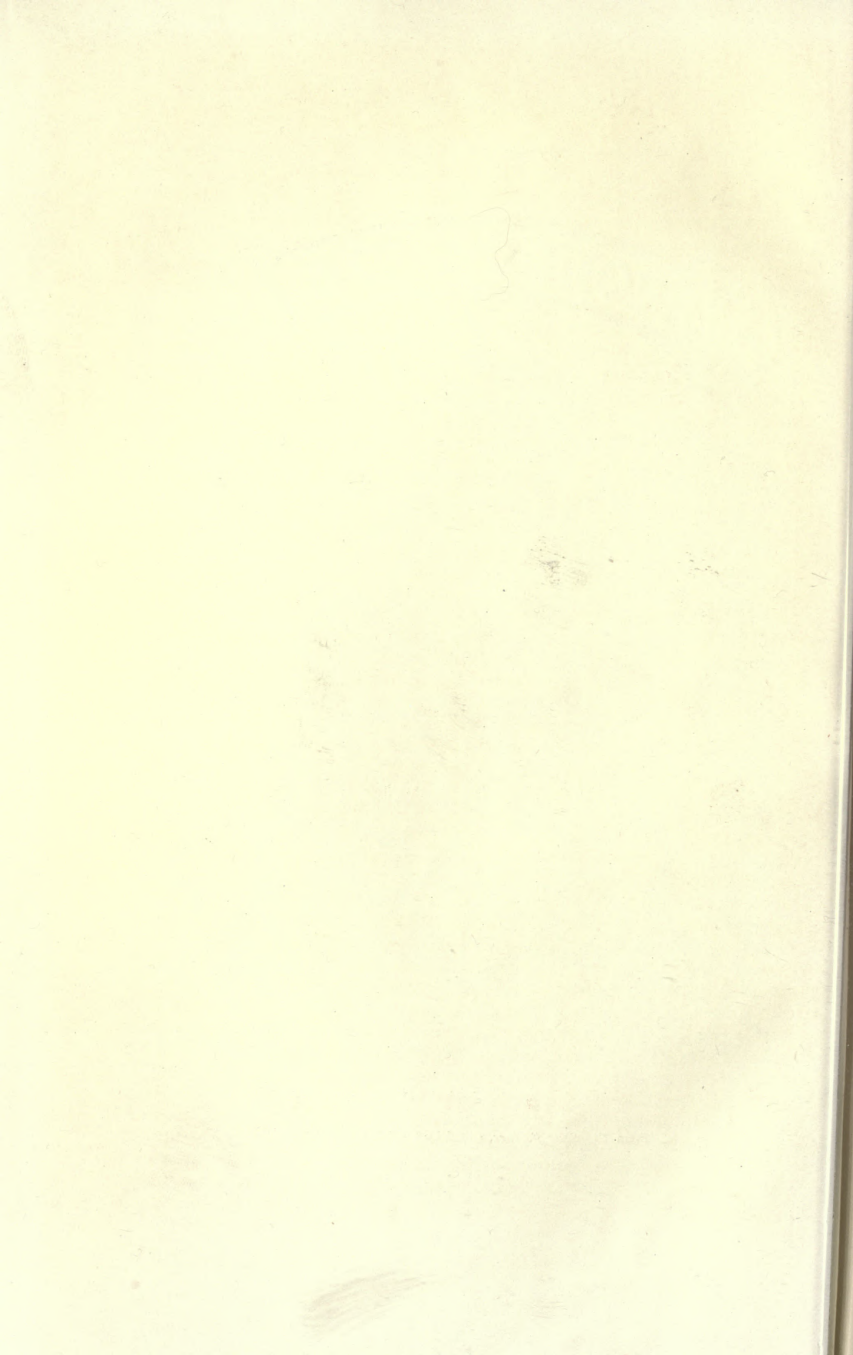
• Indeed, with all reverence for the Lyons, Unicorns, and other dignified mammals, who have lent their services to this publication, I should say that the purely genealogical statements are sometimes overlaid and obscured by superincumbent historical matter; and one would willingly trade away a page or two about English intrigues, or accounts which might be found in Robertson, for the name of a peer's mother-in-law and the *place* of his marriage. In the future volumes these two facts should invariably be given, when known. Taking as an illustration the article on Cassillis (otherwise an excellent performance though slightly too diffuse), the place of marriage is not given in the writer's own account of himself, and yet he must be presumed to have known it!

People often fail to realise the importance of stating the place of birth, marriage and death, especially where no authority is given for the date—e.g. if *Scots Peerage* states that a man was married Aug. 1733, and another Peerage records the same event as occurring in 1738, there is practically no clue to help one in deciding in which work the common printer's error of interchanging 3 and 8 has occurred. But if the words 'at St. Anne's, Soho,' are added, a reference to the register will probably solve the difficulty. It may also be suggested that where an error of any importance has obtained general currency, it is well worth while not merely to correct it, but to contradict it. Thus, if in all previous accounts we have been told that 'Lord Lackland m. in 1738 Alice, da. of Robert Shepherd,' and read in the accurate pages before us for the first time that 'He m. 20 Aug. 1733 Agnes, da. of Roger Sheppard,' we may feel sure that there is an advance towards perfect accuracy, but may still be uneasy lest one or other of the changes has arisen through oversight or printer's errors. If, however, we should read, 'He m. 20 Aug. 1733 (not 1738)



BREADALBANE

From *The Scots Peerage*, edited by Sir James Balfour Paul



Agnes (not Alice), da. of Roger Sheppard (not Robert Shepherd), we should know that they were all considered emendations in the light of fuller knowledge.

In some of the accounts there is a tendency to vary the form of words in which the peer's death or marriage is stated; sometimes it is even thrown in parenthetically at the end or in the middle of a long paragraph dealing with other matters. This is probably done with a view to obtaining a better literary effect, just as newspapers talk of a man 'handling the willow' at cricket instead of 'batting,' but it is to be regretted. However brightly and ably this peerage may be treated, it is impossible to imagine the most patriotic Scot taking it up for a little light reading as he would *Blackwood*. Those who consult it will in nine cases out of ten do so in search of precise dates or information as to relationship, and for the convenience of such students the birth, death and marriage of the subject of each memoir should be as nearly as possible in the same form, in the same place, and isolated from other matter.

It is inevitable where so many different writers are employed that the standard of excellence should vary. The 'Buchan' articles are perhaps below the general average of the work, while in that on 'Coupar' the new and valuable facts bear about the same proportion to trivial anecdote and quotation of doggerel as the bread did to the sack in Falstaff's bill, and the contrast between it and the workmanlike treatise by Mr. Harwood on 'Cramond' which immediately follows is most striking. Genealogical narrative cannot be too precise, and baldness is preferable to vagueness, or diffuseness.

The fact that the change of style for New Year's day from 24th March to 1st January did not take place in England till 1752, while in Scotland it occurred some 150 years earlier, has naturally led many of the writers in this work to regard the double spring date as unnecessary after 1600, but it can be clearly shown that, if dubiety is to be avoided, it should be used until 1752. Opening the second volume at random at page 236, there appears the statement that the third wife of David, second Earl of Wemyss, died in February 1688, and no authority or reference is given for the date. Now if this fact comes from a Scotch source it would mean that she died in 1687-8, if from an English one that she died in 1688-9; and yet she may have died in Piccadilly, and the source may be an English news-letter, in which case there can be no certainty as to whether the compiler has reduced an English date to its Scotch equivalent or left it as he found it. If there is to be one plan for writing in English of a Scot who died in the spring, between 1600 and 1752, and another for writing of an Englishman, we shall arrive at the paradox that Charles the First, King of Scotland, died in January 1649, and that Charles the First, King of England, died in January 1648!

Leaving now the consideration of the work as a whole and examining more closely some of the parts, it seems strange in the 'Buccleugh' notice that the writer should merely record the restoration in favour of the Duke of Buccleugh in 1743 of the Barony of Scot of Tindal and Earldom of Doncaster without any comment on its unjust and illogical character.

It seems *unjust* to reverse an attainder passed on account of a rebellion which was entered on without justification by a bastard fighting on his own behalf, and to leave unreversed attainders on Scotch peers who had fought in support of their *de jure* sovereign—as, for example, the Duke of Berwick, though in this case the now (1905) heir is an alien and Spanish subject. It seems *illogical* to reverse an attainder in respect of a Barony and Earldom and to leave standing one of the Dukedom of Monmouth incurred at the same date and for the same cause. Partial and unreasonable as this restoration was, it was not so inequitable as the action of Parliament in 1858, which restored the Barony of Herries of Terregles in favour of William Maxwell of Everingham Park, while leaving under attainder the Earldom of Nithsdale, which would have vested in William Maxwell of Carruchan, although both peerages had been forfeited by the same man for his share in the '15. It may be assumed that if a proved heir of any of the titles forfeited in 1716 or 1746 were to come forward he would now probably be able to secure a reversal of the attainder, and in this way, if it were worth his while, the Earl of Errol for instance could add the Barony of Kilmarnock to his titles. In this connection also it may be mentioned, though it be not strictly germane to a discussion on the Scots peerage, that the reversal of Queen Mary's attainder of the Duke of Suffolk in 1554 would vest the Marquessate of Dorset, held by that nobleman, in the present Earl of Stamford.

Whatever may be thought of the policy of reversing old attainders, it seem obvious that if they are to be reversed in favour of one man or one title they should be reversed in favour of all, where the conditions are the same.

It is much to be wished that the scheme of this *Peerage* had admitted of showing the descent of families under attainder, and consequently who are, and who have been, the men who but for that disability would have been peers. As far as I know this has never been attempted except in isolated cases, and it would furnish much valuable information; indeed, to make room for it such articles as those on Brechin of Brechin and Comyn of Badenoch might have been sacrificed. They never were peers of Parliament, and are surely quite out of place in a peerage. The only explanation of their inclusion must be that the example of the original 'Douglas' has in this case been too slavishly followed. Yet if this is to be the line of defence, how does Rothesay Herald justify in his article on Erskine Lord Cardross, p. 366, the suppression of the names of the children of John, 4th son of the 2nd Lord, which are to be found in full in Wood's *Douglas* (vol. i. p. 274)?; and why in the case of his elder brother William, when the old work carries on his offspring down to the year 1816, is this valuable matter compressed in the new, into the jejune statement 'with issue'? The principle on which such omission is made is undiscoverable, and where we looked for amplification behold a blank. It is indeed hard on the impecunious genealogist that he should be forced to buy Wood's *Douglas* to supplement *Scots Peerage*!

In the notice of Buchan no reference is made to the marriage of the widow of an early Earl of Buchan with Sir William Lindsay,

although the fact that such a match took place is clearly shown by Sir William Lindsay of Symington (younger son of Sir David Lindsay, Regent of Scotland, 1255) having founded masses for his two wives, Alicia and M., Countess of Buchan.

With great respect for the capacity of the writer of the treatise on Colville of Culross as shown here and elsewhere, I am surprised at the leniency which (as contrasted with Riddell and with G. E. C.) he displays in dealing with the audacious and inaccurate claimant, and the lax and ill-informed tribunal of the House of Lords, in May 1723. He offers no remark on the eccentricity of finding a man entitled to the dignity of Lord Colville of Culross with the precedency of a patent which did not create, and never mentions, that title. With regard to the petition itself he carries his benevolence to an extreme point when, after admitting that the petitioner professed to descend from a non-existent brother of the first Lord, he goes on to allege in a note that the other statements were accurate, although in fact two of them (and one of them of cardinal importance) were false. The second Lord did *not* die about fifty years before the date of the petition, but about seventy. The second Lord did *not* die without male issue, but left two sons, both of whom succeeded to the title. Now here we have a peerage claim allowed where material facts are misrepresented or withheld from the Court, where no attempt is made to prove the bastardy of the fourth Lord or his death without lawful male issue, or the extinction of the same, although such proof was absolutely essential before the claim could properly have been admitted.

Does the Editor not think on re-consideration that such inaccuracy, if not fraud, on one side, and such carelessness and slovenliness, on the other, should be exposed and should receive reprobation?

A few minor blemishes may be pointed out scattered through the two volumes, which *incuria fudit*. Under 'Abercorn' the surname (Gore) of the third wife of the first Marquess is omitted. Under 'Argyll,' on p. 336, Archibald, second son of the second Earl, married firstly Janet, da. of James Stewart, Sheriff of Bute, from whom he was divorced; he had by her a son, John, who married Marion, da. of Hugh Montgomery, widow of Crawford of Auchinames, and of William, second Lord Sempill. This John had a grant as heir to his father. Under 'Argyll,' p. 382, Mary, Lady Rosebery, did not die in 1756, but 3rd December, 1783, at Bath; and on p. 385 of the same article the first da. of Capt. William Campbell, R.N., is wrongly called Anne, instead of Louisa. Under 'Campbell, Earl of Atholl,' the compiler has become tired of enumerating the many matches of Joanna Menteith and has omitted her fourth husband, William, fourth Earl of Sunderland, for which union Papal dispensation was granted 5 Id., Nov. 1347. In vol. ii., p. 109, the battle of Ancrum Moor was not fought in March, but on 27th February, 1544-5. Under 'Brechin,' on p. 224, it is stated that Margaret, Lady of Brechin, married Walter Stewart, and it should be added that this Walter was afterwards created Earl of Atholl.

However, there is no need to put one's finger on any more of such

little blots, from which no work on this scale can be altogether free, and it is pleasant to be able to end this review on the same note of praise with which it began, by awarding special commendation to the articles on Angus and (Murray) Atholl in vol. i., and on Borthwick and Bothwell in vol. ii.

VICARY GIBBS.

RECORDS OF THE BOROUGH OF LEICESTER. Edited by Miss Mary Bateson, and revised by W. N. Stevenson, M.A., and J. E. Stocks, M.A. 3 Vols. Ry. 8vo. Cambridge: University Press. 1899, 1901, and 1905. 25s. nett per vol.

THESE volumes reflect credit on the Corporation of Leicester, by whose authority they are published, and on the editor and revisers, who have performed their several duties with an efficiency which leaves nothing to be desired.

Vol. i. contains extracts from the Archives of the Borough from 1103 till 1327, vol. ii. from 1327 to 1509, and vol. iii. from 1509 till 1603.

By all persons interested in the burghal history of Scotland it has long been recognised that while in some respects the Scottish burghs were freer in their constitution than those of England, where the monarchical power was stronger than in Scotland, they were largely modelled after the old boroughs of England. The *Leges Quatuor Burgorum*, which are given in full in the first volume of the folio edition of the Acts of Parliament of Scotland, and more recently by Professor Cosmo Innes in one of the early volumes of the Scottish Burgh Records Society, were compiled and operative in Berwick-on-Tweed, whence they were taken to define the right duties and privileges of the Burghs and burgesses of the Northern Kingdom as early as the reign of David I. That Code, as it now exists, no doubt contains additions of later date, but its English origin, and the similarity of the early constitution of the Northern with that of the Southern Burghs, are evidenced by the identity of the phraseology of the clauses of the oldest Scottish Charters with the earlier Charters of England.

The publication of these interesting records, along with other works of Miss Bateson, in which she has utilised the contributions to burghal history of Professor Maitland and other eminent English writers of modern times, suggests the desirability of endeavouring to trace points of resemblance between the boroughs of Scotland and England, and to notice some of their dissimilarities. This we hope to do at an early date.

JAMES D. MARWICK.

THE COLLEGE OF ST. LEONARD: being documents with translations, notes, and historical introductions, prepared and edited by John Herkless and Robert Kerr Hannay. Pp. 233, med. 8vo. Edinburgh and London: William Blackwood & Sons. 1905. 7s. 6d. nett.

CURRENT questions regarding property and other rights in connection with St. Andrews University were the occasion of the historical inquiry

which has resulted in this interesting and scholarly book. Old compromises, which worked tolerably, though always with more or less friction, in many easy years of the past, have been strained to breaking by the new vigour of academic life; and it became necessary for the University to examine its early records and documents in order that the re-opened problems might be considered in as full light as possible. Perhaps the chief of these problems was that of the position of St. Leonards Church. There is a parish of St. Leonards; but it has never had a manse or a glebe (although in the 19th century it was found to be entitled to these), no part of its minister's stipend comes from the teinds of the parish, its church (until last year) was also the chapel of the College, and until the first half of last century its minister was always the Principal or a Professor of the College. The church, though the date of its foundation is unknown, is certainly much older than the College of St. Leonard. The earliest reference to it occurs in a document of 1413, which records a meeting held in *ecclesia parochiali sancti leonardi infra civitatem sancti Andree*. It was originally the church of a hospital of six beds, founded by an abbot of the ancient Celtic monastery at St. Andrews, for the entertainment of pilgrims to the shrine of St. Andrew. This hospital, with its endowment, was in 1144 transferred by the Bishop of St. Andrews to the canons of the newly erected priory, who made it large enough 'for all comers.' The canons were confirmed in their possession by royal charters and papal bulls, and the hospital received further endowments, including a gift of land from David, 'the sair sanct.' It was at first described as the hospital of St. Andrew, and in 1248 Pope Innocent IV. styled it the hospital of St. Andrew, and also, in another bull, the hospital of St. Leonard. The change of name, Professor Herkless thinks, may have been due to David de Bernham, Bishop of St. Andrews (died 1253). St. Leonard, as the patron of prisoners and also of hospitals, was revered in England from the time of the Norman Conquest, and from the 12th century there were in Scotland many foundations in his name.

In the sixteenth century the hospital, or what remained of it, was transformed into the College of St. Leonard at the instance of John Hepburn, prior of the monastery. In 1512, the youthful Archbishop, Alexander Stuart, who with his father, James IV., was to fall at Flodden, granted a charter in which he 'sets up and constitutes the hospital and the church of St. Leonards joined to it as St. Leonards College, to be called the college of poor clerks of the church of St. Andrew.' In this charter the Archbishop, who was a pupil of Erasmus, indicates the causes of the decay of the hospital, saying that 'in the lapse of time, when the number of the miracles and the pilgrimages had decreased, through the faith of Christ being established (*firmata Christi fide*), there were lodged in the hospital certain women, chosen on account of their years, who, however, showed none of the fruits of devotion and virtue.' The hospital, in short, had ceased to be of use either as a guesthouse or as an almshouse, and the object of the new foundation was, as the

Archbishop declares, 'not that men be supported there for their poverty but the rather that in the Church persons learned in doctrine and of excellent instruction may be multiplied to the glory of God Almighty and the spiritual edification of the people.' Mr. Hannay suggests that, while the archbishop and the prior acted together in the founding of the college, there was probably some difference in their motives. The thoughts of the pupil of Erasmus 'must have dwelt mainly upon the fascinations and the possibilities of the new learning,' while the prior, 'with his accepted belief in the efficacy of a life according to rule, and with the conviction of a practical man that something must be done for the education of the clergy,' was primarily concerned with the revival of his monastery and his order.

In the early history of the college we can see something like a struggle between these different tendencies. In his introduction to the documents Mr. Hannay unravels with much skill the 'chaotic history' of the relations between the monastery, the college, and the church. It is impossible, in a summary fashion, to give any clear idea of this. But it may briefly be said that the college appears at first to have been practically under the dominance of the monastery (Hector Boece describes it, during the first ten years of its existence, as an 'appendix' of the monastery, where 'novices' and 'many others of like age' are trained 'in habits of obedience to rule'); but that very early there arose within the College itself movements towards greater independence. The monastery was drifting away from the ideals of the monastic life, the strong hand of John Hepburn was removed, and the college consequently sought more and more 'to manage its own affairs and pursue its own ends.' The college also, which at first had only two Regents, had to fight for its full recognition in the University.

In this controversy Gavin Logie, one of the Regents, took a conspicuous part, and apparently it became necessary, in order that full recognition might be obtained, to increase the number of Regents to four. This, with other causes, involved a decrease in the number of students on the foundation, and at one time it seemed as if the college might become extinct. But in 1545 the college received from Cardinal Beaton an Apostolic Charter of Confirmation, which enabled it to meet in chapter and thus to become a corporate body. Thus in less than thirty-five years from its foundation the college had outgrown to a great extent the purposes of its real founder, John Hepburn. The Reformation was approaching, and the attempt to revive the monastic life came too late. This appears in another way when we consider the teaching, as well as the administration of the college. 'The rapidity,' says Mr. Hannay, 'with which St. Leonards acquired the character of a college specially devoted to Arts teaching is a feature in its history which should not pass unnoticed.' The new learning no doubt had its share in this, and St. Leonards soon gained the reputation of Protestantism. Knox in his *History* (i. p. 36) says that 'within schort space many begane to doubt that which befor thei held for a certaine veritie, in so much that the Universitie of Sanctandrose, and Sanct Leonardis Colledge, principallie, by the labouris of Maister Gawin

Logy, and the novises of the Abbey, by the suppriour' [Wynram], 'begane to smell somewhat of the veritie, and to espy the vanitie of the receaved superstitioun.' And Calderwood, the church historian, tells us that 'Mr. Gawin Logie instilled into the scholars the truthe secreitlie, which they, in processe of time, spread through the whole countrie, wherefrom did arise a proverbe, "Yee have drunken of Sanct Leonards well"' (*Historie of the Kirk of Scotland*, i. pp. 82-83). Calderwood declares that in 1533 Gavin Logie was forced to flee the country. Dr. Laing, however, in his edition of Knox's *History*, points out that Logie was elected Dean of the Faculty of Arts in November, 1534, and he suggests that the flight took place before the close of 1535. In 1536 Logie did not act either as regent or principal; but Professor Herkless shows that 'neither Calderwood's statement nor Dr. Laing's suggestion about Logie's flight for heresy can be accepted. Among the documents in possession of the University is a charter connected with the altar of St. John the Evangelist and St. Mary Magdalene in the Church of St. Leonard. The charter, which is dated 8th August, 1537, has Logie's seal among others appended to it. It bears that the new chaplain to be appointed is to train the youths of the college in good manners, virtues, and liberal arts, to the honour of the University and the whole realm, and to the advantage of the commonwealth, "quem admodum fecerat modernus possessor Magister Gavinus Logye dum ei corporis vigor suppeditabat et nunc per alium facit cum (ut constat) morbo et egritudine correptus per seipsum facere non possit." The implication from these words is that Logie had worked to the honour of the University and the advantage of the commonwealth, and they certainly suggest no charge of heresy.' There can be no doubt, however, of Logie's adherence to the new faith, and Calderwood speaks in particular of his influence on the Wedderburns of Dundee. That he was not prosecuted may have been due to the religious indifference of Patrick Hepburn, prior of the monastery, who appointed him to the principalship in 1523. The whole story illustrates the decay of the monastery and the slackening of its hold upon the college.

It is impossible in this notice to do more than mention Professor Herkless's interesting account of the later history of the college, and the valuable information which the book affords regarding details of academic life before the Reformation. The various charters and statutes of the college have been carefully edited and admirably translated by Mr. Hannay. The early 'visitations' are also printed with notes, and there is an interesting appendix, containing a number of illustrative documents from the records of the University. It is to be hoped that the editors will continue their researches, and that some day we may have from their hands a history of St. Andrews University. Meanwhile they are to be congratulated on the excellent work they have done.

R. LATTA.

88 Annandale: The Faroes and Iceland

THE FAROES AND ICELAND: Studies in Island Life. By Nelson Annandale. With 24 Illustrations. Pp. viii, 238. Oxford: Clarendon Press, 1905. 4s. 6d. nett.

THIS is an interesting book, and has the merit of dealing with subjects not too familiar to most readers. Mr. Annandale has spent several summer and autumn holidays in the Faroes and some parts of Iceland, and has made good use of his opportunities for observing what is most characteristic in these islands and their inhabitants. His account of the Faroes and Faroese is the fuller of the two, and his obvious preference of them to Iceland and the Icelanders may be partly due to a less intimate knowledge of the latter in some respects. The only strictly historical chapter is the third, which gives at some length the story of the descents made by Algerian pirates in 1627 on some parts of Iceland, especially on the Vestmannaeyjar, or Westmen Islands, off the south coast. The first chapter, however, touches to some extent on the history of the Faroes: here the author perhaps makes a little too much of the contact between Scandinavia and the Gaelic lands in early times. The idea that Iceland was largely peopled from the Gaelic districts in Scotland and Ireland has very little basis in the historic records, and as to the Faroes we have practically no evidence at all on this point.

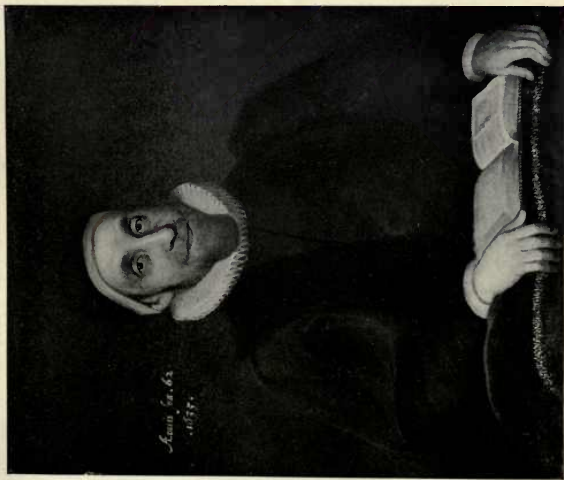
Of the other chapters, which form the main part of the book, the second and fifth deal with life in the Faroes and Iceland respectively. In the former there is much information about the sea-birds of the Faroes, while those of the Vestmannaeyjar have the fourth chapter to themselves. The domestic animals form the subject of the sixth chapter, and there is an appendix on the Celtic pony by Dr. Marshall, besides a section on 'Agriculture in the Islands.'

As the above brief summary will show, there is sufficient variety in the book to make it readable throughout, and the illustrations are not only ornamental but give real aid to the understanding of the text. They show not only characteristic pieces of island scenery, but various household articles which have some culture-interest attaching to them. A few inaccuracies in the forms of native words and names are of slight importance compared with the general merit of Mr. Annandale's work, which will probably help towards a wider knowledge of these northern isles.

W. A. CRAIGIE.

ILLUSTRATED CATALOGUE OF A LOAN COLLECTION OF PORTRAITS OF ENGLISH HISTORICAL PERSONAGES WHO DIED BETWEEN 1625 AND 1714. Exhibited in the Examination School, Oxford, April and May, 1905. Oxford: At the Clarendon Press. 1905. 6s. nett.

THE Exhibition of Historical Portraits this year at Oxford, while artistically contrasting in many ways with that of last year, may be said at least to vie with it in personal and historical interest. It embraces what may be described as constitutionally the most critical and pregnant period of English history. The more prominent influences in the earlier period



ROBERT BURTON

From The Oxford Catalogue of Historical Portraits



JOHN MILTON

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were ecclesiastical ; but it was not till this later period that the political and social results of the great ecclesiastical revolution were fully manifested. Practically it was the ecclesiastical revolution that gave birth to the political revolution of which the culmination was the protectorate of Cromwell. The reaction from the protectorate and from the dominance of Puritanism produced the Restoration, followed finally by the almost peaceful revolution which heralded the successful reign of William and Mary. The political England of to-day properly dates from the arrival of William of Orange, but it was created not merely by his timely arrival, but by the preceding years of political storm and stress by which the nation had been educated and disciplined. Even, therefore, had this period produced no names of first rank, it was bound to embrace many names to which there must attach a never-dying interest. Amongst its greatest names are, of course, Cromwell, Milton—here represented by a rare copy of a picture of him in his youth, which has been lost—Dryden, Harvey, Hobbes, Locke, and William of Orange ; and among others of prominent interest and importance are those of Richard Burton—whose smiling countenance at the age of 62 suggests that in writing of melancholy he had succeeded in his aim, that of avoiding it—Clarendon, Prince Rupert, Archbishop Laud—represented, however, only by copies of Van Dyck—Falkland, Pembroke, Shaftesbury, Selden, Sydenham, Jeremy Taylor, to name no more, though many well-known persons of the period are of course absent, and, as may be supposed, Oxford is lamentably deficient in portraits of Puritan leaders—neither Fairfax, Hampden, Lambert, Pym, nor Vane being represented : Pope, Marlborough and Newton, who survived till after 1714, are necessarily omitted.

The leading artists of the period are, of course, Van Dyck, Sir Peter Lely, and Sir Godfrey Kneller, the characteristics of whom and their principal contemporaries, are instructively pointed out in Mr. Lionel Cust's admirable introduction. The Catalogue is illustrated by over fifty reproductions, evidently selected mainly for their artistic interest.

T. F. HENDERSON.

STUDIES ON ANGLO-SAXON INSTITUTIONS. By H. Munro Chadwick. Pp. xiii, 422. Crown 8vo. Cambridge: University Press. 1905. 8s. nett.

THIS small volume will be found by advanced students of legal and constitutional origins to be valuable out of all proportion to its size. Several of the fundamental problems of the Anglo-Saxon period are here discussed with fairness, thoroughness and moderation by a scholar who shows himself well-equipped, more especially on the philological side, for the onerous task he undertakes. Among the topics treated in separate chapters are 'The Monetary System,' the key to which is found in the varying value of the shilling, equated as a unit of reckoning to four pennies in Mercia, to five pennies in tenth-century Wessex, and to 20 pennies in Kent ; 'The Social System,' in which the wergeld of the Kentish ceorl is reckoned as 100 oxen and that of the ceorl in

Wessex (and, approximately, in the rest of England) at 200 sheep or 33 oxen, and ingenious, if unconvincing, attempts are made to show why the one is thus so much higher than the other; 'The Earl,' in which it is maintained that each southern county of England, except Cornwall, had its separate Earl, until Edward the Elder made a drastic reduction of their number, while the individual midland counties never enjoyed Earls of their own after they had been subjected to Wessex; 'The Administrative System,' in which it is argued with much force that the shire-system of the south fell completely into abeyance after the reforms of Edward the Elder, who superseded it by an arrangement of burghal districts, each under one of his new great Earls; 'The History of the Older Counties,' 'The Constitution of the National Council,' and 'The Origin of the Nobility,' all of which will be found compact with historical material handled with knowledge and skill.

This very short summary will serve its purpose if it calls attention to the great value of Mr. Chadwick's treatise for advanced scholars, for whom alone it is likely to prove profitable reading. Tyros, on the other hand, who may attempt to make their way unaided through its pages, rendered obscure in places by the very wealth of the author's erudition, should be warned that they will find hardly a single proposition that, rightly or wrongly, is not contradicted by writers of equal authority. Mr. Chadwick, indeed, seems more successful in undermining the positions held by Mr. Seebohm and others than in establishing his own rival theories. Two careful perusals of the mass of learned argument and subtle suggestion tightly compressed into this little volume tend to strengthen the impression that, in our present stage of knowledge, a sufficiently learned and skilful debater may show fair grounds for maintaining any theory whatsoever upon any one of the fundamental institutions of Anglo-Saxon England. If Mr. Chadwick's valuable contribution to the study of origins seems meanwhile to have made darker than before some questions already sufficiently dark, such darkness may still be welcomed as showing progress towards the dawn. Future investigators, grappling with any of the questions here discussed, will be unwise to neglect the help which this conscientious and scholarly treatise would undoubtedly afford them.

WM. S. McKECHNIE.

THE HERALDRY OF THE JOHNSTONS, WITH NOTES ON THE DIFFERENT FAMILIES, THEIR ARMS, AND PEDIGREES. By G. Harvey Johnston. Pp. 56. Cr. 4to. Edinburgh: W. & A. K. Johnston. 1905. 10s. 6d. nett.

As only a hundred copies of this work are issued to the public, it will probably get scarce, if not valuable. It has, however, a value of its own, and the author is to be congratulated on having brought together the armorial bearings of upwards of thirty families of the name of Johnston. Between eighty and ninety representations of shields are given, most of them coloured; and there are some half-dozen sketch pedigrees giving the descent of the heads of the principal families. Within the limits

prescribed there is not, of course, much room for any very extended treatment of either genealogy or heraldry, but Mr. Johnston has put together in a condensed and readable form a great deal of interesting and useful information which may save many a student from a weary hunt through the records of the widely-spread clan of which the book treats. What is better still, the information given is, so far as we have been able to test it, accurate, and much care has evidently been given to its compilation. The illustrations are of varying degrees of merit: most of them are satisfactory, some of them very good, and a few only, such as the Caskieben achievement on Plate VI., decidedly weak. Mr. Johnston has, unfortunately we think, adopted the fashion recently introduced by some writers who ought to know better, of blazoning the arms in colloquial language and abandoning the well defined and crisp nomenclature sanctioned by long usage. 'Silver a black saltire, between a black crescent in chief and a red heart crowned gold in base: on a red chief three gold cushions,' is surely not a bit more lucid than 'Argent a saltire, between a crescent sable in chief and in base a heart gules imperially crowned proper: on a chief gules three cushions or.' In the latter blazon we get rid of the cumbrous repetition of the words red and gold. And the new system is not carried out consistently: 'Silver three red cushions within a red double tressure flory counter-flory' is a mixture of the old and new styles. 'Flory counter-flory' certainly expresses in two words what is meant, but to carry out the system it should be rendered as 'pierced with lily flowers looking alternately inwards and outwards.' But this 'blazonry for babes' is really not a bit better than the old 'jargon.' We should not, however, take leave of this pretty book in a spirit of fault finding: it is, within its limitations, quite a good piece of work, and much credit is due to its author.

J. BALFOUR PAUL.

THE RATHEN MANUAL. Edited with Translation and Notes by the Rev. Duncan MacGregor (Minister of Inverallochy, Aberdeenshire). Aberdeen, 1905. Printed for the Aberdeen Ecclesiological Society. 5s. nett.

BEFORE its amalgamation with its younger sister in Glasgow, and their union into the *Scottish Ecclesiological Society* (1894), the Aberdeen Ecclesiological Society had undertaken the publication of the unique MS. to which its discoverer and editor has given the name of the Rathen Manual, and which he has now presented in a form which leaves nothing to be desired; and both he and the Aberdeen Society are much to be complimented on this, the final, publication of its separate existence.

The *Manual* (or *Ritual*, as it is sometimes called) was that one of the numerous service-books of the medieval Church which contained what we may call the 'Occasional Offices'—certain religious services which it was convenient for a parish clergyman to have together in one small volume, so as to be, as the name implies, 'ready to his hand.' This is the only copy of a *Manual* prepared for use in medieval Scotland now known to be in existence; it helps, with the Aberdeen *Breviary*, the Arbuthnott *Missal*, the *Kalendars* published by the late Bishop A. P.

Forbes, and the *Pontifical* of David de Bernham, Bishop of St. Andrews (1239-1253), to make up the somewhat scanty list of the liturgical books of our pre-Reformation Church.

The MS. of which we have here a transcript and translation was discovered in 1894 in the library of the late Rev. John F. M. Cock, D.D., minister of the Parish of Rathen, in Aberdeenshire; but there seems to be nothing in the volume to connect it with that part of Scotland. Dr. Cock was of old clerical descent, and it may have been an ancestral possession of long standing; however, there were no *data* forthcoming for its history. Neither is it complete: a leaf or two at the beginning, and some other leaves elsewhere, have disappeared. It consists of 98 pages of parchment, 8 inches long by 5½ inches broad. The writing is in black-letter characters with red rubrics, and red and black initials. It is neatly enough done, but the editor has detected numerous mistakes. Internal evidence indicates clearly enough that it is Scottish, and that it dates from the end of the fifteenth century.

The contents of such books, being determined by the wish of the priest for whom they were severally prepared, vary considerably. This one contains (1) the latter portion of the Order for making holy water; (2) the form for blessing the *Eulogia* (the rite of the *Pain bénit*, so familiar to the tourist in the churches of France); (3) the Marriage Service; (4) Churching of Women; (5) the preliminary parts of the Baptismal Service—the Order for Baptism itself is wanting; (6) part of the Service for the Dead; (7) the peculiar office said before Mass on the Feast of Candlemas; (8) the additions to the Liturgy on Ash Wednesday; (9) the additions to the Liturgy on Palm Sunday; (10) the Reproaches, etc., on Good Friday; (11) the special features of the Mass of Holy Saturday; (12) the Great Curse (in Scots). Of these the first eleven are according to the *Use of Sarum*, which prevailed over well-nigh the whole of Scotland; and while they are all more or less interesting, they contain little or nothing peculiarly Scottish. With the last item, however, it is different. The *Great Curse*, unknown out of Scotland, was a great institution here, as all readers of John Knox's *History* must remember; but the Reformation rather changed its form than abolished it, if we may accept Mr. MacGregor's statement that 'the practice was the parent of our fencing of the Tables.' Like many old 'fencings,' this *Curse* is terrible enough at the outset, but closes with a saving clause, 'bot gyff' (*i.e.* unless) 'thai cum till amendis befor or thai dee, the quhilk almychty gode grant thaim to do foir his mekil mercye and his greite grace.' The mention in the *Curse*, as it appears in the *Rathen Manual*, of 'Sanct Cutbert, Mungo, and all haly confessours' supplies perhaps the sole clue in the volume to the parish in which the original owner of the MS. was priest, for it points to a church in whose dedication the Saint of Tweeddale and the Saint of Clydesdale were conjoined; but we fear it must be added that the fact of their conjunction is most easily explained by the existence of a doubt in the mind of the dedicator as to whether S. Mungo was quite orthodox, or his ordination (which was by one bishop only) quite canonical, according to strict Roman standards.

Mr. MacGregor's translation of the various Offices with its hymns is admirably done; his notes show competent liturgical learning: they are full, lucid, succinct, and to the point. This important publication assures Mr. MacGregor's standing as a real scholar in such matters.

JAMES COOPER.

THE REGENCY OF MARIE DE MÉDICIS, A STUDY OF FRENCH HISTORY FROM 1610 TO 1616, by Arthur Power Lord, Ph.D. With five portraits. Pp. x, 180. London: George Bell and Sons. 1904. 7s. 6d. nett.

THE period covered by this 'Study' opens with a murder and closes with a murder; and during the intervening years, mean intrigue, shameless bribery, sordid ambition are so rampant as to be hard to match in any other seven years of French history. The author has mastered thoroughly his rather depressing subject, but it must be admitted that he has also been overmastered by the abundance of his material. The reader, carried away at the very outset by a crisp and picturesque style, soon becomes bewildered. It is the old story of the forest that cannot be seen for the trees; there is too much in the foreground. The chief characters, Marie de Médicis, the Prince of Condé, Concini, Sully himself, who, from the preface, is the main object of the author's labours, do not stand out in clear perspective; they are smothered in the throng of the subsidiary actors that plot and scheme for their own profit, just like their betters. In spite of this overcrowding, the volume can be recommended to the historical student, who will find it a full and inspiring guide for the first years of the reign of Louis XIII. Whenever his memory is overtaxed, he should consult the comprehensive Index, in which every item is carefully calendared. The portraits are remarkably good, and the spelling of French names is free from fault, except for a few troublesome accents. One cannot, however, help noting a new reading of the Vulgate: *Errat autem Barrabas latro!* It should have been somebody's business to correct it, as it spoils a good story.

F. J. AMOURS.

RECORDS OF THE SHERIFF COURT OF ABERDEENSHIRE. Edited by David Littlejohn, LL.D., Advocate in Aberdeen, Sheriff Clerk of Aberdeenshire. Vol. i. (Records prior to 1600), pp. xlvii, 456. Aberdeen: Printed for the University. 4to. 1904.

THIS volume—forming No. 11 of the series of Aberdeen University Studies—contains (1) an edition of the six oldest extant books—all belonging to the sixteenth century—of the Sheriff Court of Aberdeenshire, and (2) biographical notices of the officials of that Court—sheriffs, sheriffs-depute, sheriff clerks, and procurators fiscal—prior to 1600.

The six books record the proceedings of the Sheriff Court during fragmentary periods—amounting, in all, to seventeen or eighteen years—of the sixteenth century. In the case of each book the editor furnishes

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a brief descriptive introduction, a table of the contents of the book, and a series of excerpts, selected to illustrate the contents of the book and classified according to the subjects to which they relate.

These Sheriff Court books undoubtedly contain much matter interesting and valuable. In particular the first book—recording apparently the whole proceedings of the Court from July, 1503, to September, 1511—is, in some respects, unique, and is invaluable as presenting a picture of the every-day work and procedure of a Sheriff Court during a period preceding by thirty to twenty years the date of the institution of the Court of Session. At that period the proceedings of the local courts still ran in the ancient grooves. The relations between the central courts and the local courts were undefined. The great bulk of the jurisdiction, indeed, was exercised by the local courts, and there were no definite rights of appeal.

One outstanding feature of the earliest of these books is the evidence it affords of the continuance of the old supremacy of the assize or jury. The entries run 'The Assize fand' or 'It was fundin be the said Assize'—and that whether the matter in dispute was a question of law or a question of fact. The Sheriff, as president, saw to the orderly conduct of business and acted in formal procedure; but in any matter of fact or law, involving substantial decision, the Sheriff's position was apparently still nothing more than that of a mere adviser. This is a survival of the time when the Sheriff's Court had the character of a popular assembly—all the free holders being bound to attend it and deciding all questions, civil and criminal. In comparatively late historic times the Sheriff was not even one of the judges, for he was obliged to leave the Court while the members deliberated.¹

In the period covered by the earlier books we find that the number of jurors varied considerably, and that it was allowable for them to use their personal knowledge, and act to all intents and purposes as witnesses. It seems, too, to have been competent for the jurors to give their verdict by sections, some on one day and some on other days, and, during the course of a case, the composition of a jury might be materially changed. The procurators appear to have been churchmen, but there is scarcely a trace of argument. The Scoto-Norman feudal law, which still held sway at that era, was an unlearned law, consisting of a congeries of customs, rigid, technical, and, at this period—when the original reasons for the rules had been largely lost sight of—imperfectly understood. In some countries these customs had been to some extent systematised and had even attained the dignity of *jus scriptum*, but, in Scotland, in the early years of the sixteenth century, the law was purely customary—a *mos majorum*, vaguely formulated, untempered by equitable considerations, and having little basis in principle.

When we turn to the later books—relating respectively to the periods 1557-60; 1573-6; June to November of 1584; 1595-6; 1597-9—

¹ 'Assize of King David,' *Acts Parl. Scot.* (fol.), vol. i., p. 5 (red ink, p. 317).

we find noteworthy marks of the great legal development which marked the sixteenth century in Scotland. The institution of the Court of Session and the awakening of a new zeal for legal learning—for in the opening years of the sixteenth century the Scots had already begun to frequent in large numbers the law schools of the continent—soon exercised a powerful influence on the law administered in the local courts as well as on the process of its administration. More advanced juridical conceptions, principles, and methods were gradually introduced. Simultaneously with this revival of legal learning, which meant the reception of Roman law in Scotland, occurred the change by which the judicial power passed into the hands of trained lawyers. The decisions of the local courts became more subject to review on letters of advocacy. In the fragmentary book of 1557-60, we find that already the Sheriff and his deputies have taken the place of the jurors as judges. Trained lawyers and fuller pleadings are much in evidence. The old complaints to the Lords Auditors, which were directed, not against the decisions of the Sheriffs, but against the verdicts of the juries, had been superseded by letters of advocacy to the Court of Session against the decisions of the Sheriffs. The procedure of the local courts, moulded on the pattern set by the Supreme Court, had become more uniform. Contemporaneously with these changes, the extensive jurisdiction formerly exercised in the Sheriff Courts began to be curtailed by the Court of Session. As early as 1563 the Court of Session held in *Bishop of Aberdeen v. Ogilvie*, as recorded in Morrison's *Dictionary* (M. 7324) 'The Lordis of Sessioun allanerlie, and na uther judge, ar jugsis competent to actiounis of reduction of infestmentis, evidentis or sasines, and of all actiounis of heritage betwix all the liegis of this realme, spiritual or temporal, and to all obligatiounis and contractis followand as accessory thair-upon . . .' In this way, step by step, the jurisdiction of the Supreme Court was increased and that of the local courts curtailed.

On the other hand, in these books, there are instances of the serious limitations set to the jurisdiction of the Sheriff Court from a very ancient date, arising from the rights of the Lords of the Regalities who, within their districts, had equal power with the court of the Sheriff as well as privative jurisdiction where they chose to exercise it. The Courts of the Regalities were of course the direct descendants of the ancient courts of the baronies, dating from the times when central courts did not exist. The manner in which the lord of a regality checked an attempt to obtain justice in the Sheriff Court on a man subject to a regality is illustrated by the proceedings, recorded of date 11th January, 1558, in the action of spulzie at the instance of Andro Gleny against Johnne Meldrum, where there 'comperit James Gordoun of Haldoch balze of the regalitie of Tarves within the quhilk regalitie the said Johnne remanis and be vertew of the quhilk regalitie replegit him to the court and prevelege of said regalitie and effixt and sait ane Court to be haldin be him at the towne of Tarves on Setterday the xxj day of Januar instant for administratioun of

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justice in the said mater.' Caution was given that the court should be held on the said day and at the said place 'with sufficient Juge and all membris of Court effeirand tharto and justice as effeirrit,' and failing thereof to enter the said John Meldrum again before the Sheriff or his deputes on a day named to answer the charge. The regalities were not extinguished till the passing of the Heritable Jurisdictions Act of 1748; and not till then did the Sheriff become, in practice as well as in theory, the Judge Ordinary in the county.

The biographical notes on the officials of the court prior to 1600 have been compiled with much care, and bear evidence of much genuine research. The volume is a valuable contribution to Scots legal history, put together with admirable care and on a plan whose clearness makes reference simple.

J. M. IRVINE.

MARY QUEEN OF SCOTS, HER LIFE STORY, by A. H. Millar, F.S.A.Scot.
Pp. 227. Fcap 8vo. Edinburgh: William Brown. 1905. 2s. 6d. nett.

IN spite the number of books on Mary Queen of Scots, another carefully constructed study of her tragic life is always welcome, and for this reason we are pleased to see the little volume before us. Mr. Millar has, we are glad to find, not striven for originality in his view of the Queen's actions, but he has weighed carefully the opinions—usually divergent—of her other biographers, and has attempted, as he says, to place the events of her chequered career faithfully before the reader, so that he may draw his own conclusions.

Perhaps the account he gives of Queen Mary's early life errs not so much on the side of length as on that of brevity. We think that the hatred of Catherine de Medicis to *la petite reinette* is exaggerated, and that more might have been said of the ambition of the Guise family which had so great an influence on the Queen's childhood. We notice that at the time of James V.'s death Queen Mary's mother had still a son by her first husband, as François III., Duc de Longueville survived until 1551; that a serious slip is made in regard to the degree of relationship between the Queen and Lord Darnley, her second husband, and that genealogy in the book needs slight revision.

Mr. Millar makes a decided point in his view of the 'settlements' between Mary and the Dauphin. Whatever double-dealing was intended by the secret document signed on April 4th, 1558, it was superseded legally by the public signature of the Scottish proposals on April 15th, as both were *ante matrimonium*. Although he narrates the Queen's marriage with Bothwell by protestant rites, Mr. Millar does not mention the interesting circumstance that on the day of the wedding the Queen wrote, asking for the Abbacy of Kelso for her nephew (and Bothwell's as well, though this was not stated), Francis Stewart, to the Pope, styling herself *sanctitatis vestrae devotissima filia*, thus showing another example of favour (perhaps by fear) to Bothwell and of her coquetting with both religions at the same time.

With regard to the Norfolk and Hunsdon proposals for the Queen's

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hand, we think that Mr. Millar, by citing them, strengthens our doubt whether, in the general contemporary belief, the 'Casket Letters' added much to the vaguer charges against the Queen. We are glad to see also that, though he only reviews Queen Mary's life in captivity shortly, he points out a new fact (a rare thing in a life so often written) as he shows the refusal of the Regent Mar to have the captive Queen handed over to him that she might be 'removed' in Scotland, in order to prevent the odium of her execution falling upon her astute cousin Elizabeth of England.

A. FRANCIS STEUART.

THE AMERICAN REVOLUTION. By the Right Hon. Sir George Otto Trevelyan, Bart. Cheap edition in three volumes. Vol. i. pp. xviii, 400; Vol. ii. pp. ix, 353; Vol. iii. pp. ix, 350. London: Longmans, Green & Co. 1905. 5s. nett per vol.

IN this new edition of his chief historical work Sir George Trevelyan has made it his aim to give his treatment of the American Revolution a more systematic and logical form. On its first appearance the earliest volume of his *American Revolution* showed plainly that it was a continuation of Sir George's *Early Life of Chas. James Fox*, but it revealed as plainly that the author's intentions were changing and the scope of his work enlarging. We pointed out in a review of the later volumes that this meant at least the temporary abandonment of such a history of social England as Sir George Trevelyan's interests and knowledge fitted him to undertake. From these volumes, it is plain that Fox and his society must go, for the author desires his work to be regarded as the introductory portion of a *History of the American Revolution*. By the removal of passages from the text to the notes or the appendix, by considerable alterations in order, and by a complete change of emphasis, most of the matter relevant to Fox, but not so relevant to America, has been brought into due subjection to the more firmly defined literary scheme.

But whatever regrets we may cherish for the vanished plan of a social history, there can be little but the highest praise for what is certainly the most charming and the fairest history of the American Revolutionary war, a book which differentiates itself from most modern historical writing by its skilled use of picturesque detail and by the fact that its author is the true amateur in letters, one who 'commenced the book mainly for the personal pleasure of writing about events which had always attracted and moved him.'

The first volume contains as frontispiece a portrait of the author.

J. L. MORISON.

THE SECOND PRAYER BOOK OF EDWARD VI., AND THE LITURGY OF COMPROMISE. Pp. 260. William Blackwood & Sons, Edinburgh and London. 1905. 4s. nett.

THE useful series of reprints of the *Liturgies and Orders of Divine Service used or prepared for use in the Church of Scotland since the Reformation* issued by the Church Service Society has received a notable

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addition in this volume. It contains two separate works—*The Second Prayer Book of King Edward VI.* (1552), prepared for the Church of England at a time when John Knox was a Royal Chaplain at London, but used more widely and for a longer period in the Church of Scotland; and a Service (from a hitherto unpublished MS.) to which its present editor has given the name *The Liturgy of Compromise*, a form of public worship prepared for use in the English congregation at Frankfort, when Knox and many Anglicans were exiles there in the reign of Mary Tudor. The former of these is now edited by the Rev. H. J. Wotherspoon, with great fulness of learning, and in a manner which throws much light on the hitherto obscure conditions under which the Reformed in Scotland carried on their worship prior to John Knox's return from the Continent. The second is edited by the Rev. Dr. Sprott, who has long had his eye upon this MS., and now gives for the first time its full contents to the public. It is not too much to say that in so doing he has contributed a new chapter to the history of the English Prayer-Book, exhibiting, as he does, what Puritan and Anglican were at one time willing to agree to. Apart from the liturgical and doctrinal interest of the volume is the character in which both parts of it show John Knox—as responsible, more than any other man, for the long-continued separation of the Church of Scotland from the Church of England; yet as accepting much more in the way of service than many of his modern admirers would allow, and deprecating, in both cases, internal schism, and frowning on the English Puritans because they would not remain in communion with the latter. 'God forbid,' he wrote to them, 'that we should damn all for false prophets and heretics, that agree not with us in apparell and other opinions, who yet preach the substance of doctrine and salvation in Christ Jesus.'

JAMES COOPER.

A GUIDE TO THE PUBLIC RECORDS OF SCOTLAND DEPOSITED IN H.M. GENERAL REGISTER HOUSE, EDINBURGH. By M. Livingstone, I.S.O., late Deputy Keeper of the Records. Pp. xxvii, 233. 8vo. Edinburgh: H.M. General Register House. 1905.

IN 1885 Mr. Moir Bryce compiled, after much labour, a very instructive Handbook of the records in the Register House. There was no official publication of the sort, and Mr. Bryce's work was privately issued. It had demonstrated the advantage of such a guide, and Mr. Livingstone's volume will be of welcome assistance in historical study. A preface sketches the story of the national archives, including those which went to England in the time of Edward I. and are still there, although it is pleasantly suggested that their return now might be a tardy fulfilment of the treaty of Northampton. The contents of the Register House are described by classes—the documents relative to the Crown, Parliament, public revenue and national administration, judicial records, titles to land, and miscellaneous records. Interspersed are brief accounts of various institutions concerned, including Parliament, Privy Council, Court of Session, Exchequer, Admiralty, Commissariots, Regality and Baronial Courts, Great Seal Register, Register of Sasines and Notarial

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Protocols. A list of Clerks of the Rolls and Lords Clerk-Register from 1286 to date forms an appropriate concluding section. There is little detail: the *Guide* is in no sense a calendar; and even for guide purposes the index—a vital part of the equipment—is perfunctory in the extreme. But as a general statement of what categories of muniments are to be found in the Register House the book renders distinct service and will facilitate research.

THE NUN'S RULE, being *The Ancren Riwele* modernised. By James Morton, with Introduction by Abbot Gasquet. Pp. xxvii, 339. London: Alexander Moring, Limited. 1905. 3s. 6d. nett.

IN 1853 the Rev. James Morton edited this thirteenth century Rule for Recluses by an unknown author. There is now reprinted in the pretty form of the King's Classics the translation which accompanied Mr. Morton's Camden Society edition, with some minor revisions and a historical preface by Abbot Gasquet, whose excellence of equipment for such a task is well known. Not in the technical sense a Rule at all, for it rather deprecates Rules, this book of counsels to three recluse nuns is an engaging and gentle expression of earnest medieval piety, a great pleasure to read, and an ornament to the series of classics of the middle ages being produced by the De la More press under the general editorship of Prof. Gollancz. The *Rule* affords a tempting profusion of themes of gravity and humour especially concerning social usages. It is always curious to find modern characteristics forestalled, as, for example, when a man ties a knot in his belt as a reminder or when the author of the *Rule* indicates that soap advertising in his day was somewhat of a public nuisance.

METAPHYSICA FRATRIS ROGERI ORDINIS FRATRUM MINORUM DE VICISI CONTRACTIS IN STUDIO THEOLOGIE. OMNIA QUAE SUPERSUNT NUNC PRIMUM EDIDIT ROBERT STEELE. Pp. viii, 56. London: Alex. Moring, Ltd. 4s. 6d. nett.

THE enterprise of publishing inedited treatises of Roger Bacon needs only to be named to be commended. Mr. Steele's preface is followed by a useful summary of the Latin text, which, apart from its interest as the philosophy of the famous friar, bristles with illustrations of the degree to which classical learning permeated the middle ages. Other tractates, the *Communia Naturalium* and the *Communia Mathematica*, are promised 'if the present publication pays for paper and printing,' as we hope it will.

Thomas M'Lauchlan, M.A., LL.D., by W. Keith Leask, M.A. (pp. 312, crown 8vo; Edinburgh: Oliphant, 1905, 5s. nett), is the record of a busy life spent in the service of the Church of Scotland, and, since the Disruption, in the Free Church. By students of literature, Dr. M'Lauchlan will be remembered rather by his interest in the study of Celtic literature. He published in 1862 a translation, with notes, of *The Dean of Lismore's Book*, a selection of ancient Gaelic poetry; and

eleven years later he edited *The Book of Common Order: commonly called John Knox's Liturgy, translated into Gaelic, 1567, by Mr. John Carswell, Bishop of the Isles*. He also found time to hold a class for the study of Gaelic, which for thirty years he carried on in Edinburgh 'without fee or reward.'

Snowden's Brief Survey of British History (pp. xii, 160, demy 8vo; London: Methuen, 1905, 4s. 6d.) is a useful book of reference. The historical charts deal with the history of England from the earliest time, and sketch in parallel columns the development of the Constitution and the growth of domestic legislation. In the column entitled 'foreign,' Continental and Colonial events which affected England are referred to. There are many genealogical trees and appendices, in one of which the chief events in the history of Wales, Scotland, and Ireland are very shortly enumerated. The notes, which are numerous, include more expressions of opinion than is perhaps usual in books of this kind, e.g. Charles I. is spoken of as 'a foolish headstrong youth, a narrow-minded and obstinate tyrant.' We hear also of the 'infatuated folly of James II.'

Messrs. George Bell & Sons send us the new volume of their edition of *Swift's Prose Works*, which is edited by Temple Scott. This new volume includes the Irish Historical and Political Tracts. When complete this work will be in twelve handy volumes, illustrated with many portraits and facsimiles.

A Church Law Society publication of antiquarian interest is Professor Cooper's pamphlet on *Ecclesiastical Titles and Designations* (Edinburgh: J. Gardner Hitt) dealing chiefly with the names, titles, and 'adjectives of honour' given to Scottish churchmen. *Sacerdos* and *Presbyter*, priest, parson, and moderator, supply matter of historical note.

Messrs. Oliphant & Ferrier issue *John Knox and His House*, by Charles J. Guthrie, K.C. (sixth thousand, pp. xiv, 140, price 1s.), being primarily a handbook to the so-called Knox's house. It is attractive not only for its notes of Reformation biography, but also because it is profusely rich in portraits and historical pictures. The same publishers issue *The Interpreter's House*, by John Kelman, M.A. (pp. 35, price 6d.), a plea for subscriptions to the Edinburgh Outlook Tower on the Castlehill. Among other pamphlets we have received *The Geography of Religion in the Highlands* (Edinburgh: R. Grant & Son), tracing, with historical and other side glances explanatory of statistics of creed, the Highland Line of religion.

A pamphlet by Mr. E. A. Horne, M.A., *Labour in Scotland in the Seventeenth Century* (pp. 23; St. Andrews: W. C. Henderson & Son), reflects the influence of Mr. W. R. Scott's studies in Scottish economics. Factors dealt with are the excess of beggars, the servile condition of colliers and salters, the survivals of feudal bondage, and the struggle of

the artisan against the shackles on free labour in various handicrafts. Industrialism could advance little until legislation gave up medieval precedents.

In the *English Historical Review* (July) subjects comprise Gaius Gracchus, Sir John Oldcastle the Lollard, the sieges of Hull, and serfdom in Essex. The text is given of Nicholas Faunt's discourse on the office of Secretary of State written in 1592. Faunt was secretary to Sir Francis Walsingham, and thus at the heart of affairs, so that his discourse is worth reading apart from its occasional Elizabethan turns of sententious diction. Among the books he recommends to be kept is one to contain the current negotiations and reports transmitted by the ambassador in Scotland, another to register particulars of 'the Borders against Scotland with their length and breadth,' as well as 'the strength of the said borders, as hills woods heathes straighes marshes townes and castells of defence,' and ledgers for financial purposes, including 'the charges of the borders against Scotland.'

The *Reliquary* for July maintains that magazine's traditions as a repository of instructive illustrations, including neolithic burialplaces, medieval churches, church doors, crosses and grave slabs, and sculptured knightly sepulchral effigies. Baptismal fonts, with dragons and monsters beneath them, are grouped tentatively with a design to search out their symbolism.

The *Juridical Review* for June, in addition to its more strictly legal features, contains several articles of distinct value to historians. Prof. Goudy takes the place of honour with a lucid exposition of the results of the criticism directed by German scholars against the authenticity of the XII. Tables—a vital topic for students of Roman institutions in the making. Under the title of *Magna Carta Re-read*, the conclusions of recent critics and commentators, especially of Mr. M'Kechnie, are examined, and emphasis is laid on such topics as specially affect Scotland. Scottish readers will be interested in an article on *James Boswell and his Practice at the Bar*, to which is appended an editorial note describing Boswell's 'Consultation Book,' presented only the other day to the Advocates' Library by an Australian donor.

Scottish Notes and Queries (monthly; Rosemount Press, Aberdeen) in recent issues has dealt with Argyllshire biography, Edinburgh periodical bibliography, old verses on Kirk of Turriff, and MS. maps and plans of Aberdeen and the neighbourhood. *The Scottish Patriot* for August is a 'Sir William Wallace number.'

We have received *Notes and Queries for Somerset and Dorset* (Sherborne: J. C. & A. T. Sawtell), also *Berks, Bucks, and Oxon Archaeological Journal* (Reading: Slaughter & Son), and *Rutland Magazine* (Oakham: G. Phillips), all with numerous transcripts, descriptions of brasses and relics, and much local story.

In the *American Historical Review* for July there is philosophically discussed by Mr. A. H. Lloyd the question whether history is losing its human character and interest. Consideration is given to the obvious subordination of the personal aspects to geographical, natural, and materialistic data, but the conclusion is a hope that history will gain anew its humanity and dramatic attraction. Among documents printed in this number are two important Darien letters edited by Mr. Hiram Bingham. They are both from the Secretary of State, James Vernon, at Whitehall, to the Governor of Virginia. The first, dated 2nd January, 1698-9, is a warning against allowing any assistance to the intending Scots colonists. The second, dated 18th June, 1699, more explicitly mentions that the king regards the Darien settlement as a violation of treaties with Spain, and therefore urges strict obedience to the first injunction.

The *Iowa Journal of History and Politics* for July has notes on Iowa mounds, and photographs of skulls recovered from them.

The *Revue d'Histoire Ecclésiastique* of Louvain in its July issue has an article by the Jesuit L. Willaert on the relations and negotiations as to politics and religion between James VI. and I. and the Catholic Netherlands, specially tracing the effects of the Gunpowder Plot. Among the reviews, an extended notice of recent Joan of Arc literature will interest British readers.

In the June issue of the *Archiv für das Studium der neueren Sprachen* appears an interesting and variously important Elizabethan text, edited on Prof. Brandl's suggestion by Herr W. Bolle (see *S.H.R.* i. 329), from the Rawlinson miscellany songbook MS. No. 14677 in the Bodleian. It comprises seventeen pieces, mostly anonymous, but including several by R[ichard] H[ill], Thomas Preston, and Richard Tarlton. Compositions pious and improving alternate with ditties amorous and merry. One 'proper new ballad' sings the praises of the Queen after the Armada time. Part of one verse runs:

The Spannish spite, which made the papiste boast,
hath done them little good:
God dealt with them, as with king Pharoes host,
who were drowned in the flood,
Elizabeth to save,

A long paper by Signor A. Farinelli begins an elaborate study on the vogue of Boccaccio in Spain during the middle ages.

Queries.

TURNBULL—BULLOK. Among the Chapter House documents in the Public Record office, Chancery Lane, London, is a detached seal, lettered 's. JOHIS. TVRNBVL ABBATIS DE PEBB. . . .' The seal, which is in the usual ecclesiastical form, and has a shield bearing a single bull's head, is preserved in a box marked on the lid 'Peebles Trinitarian Friars: John Turnbull.' So far as I am aware, heads of Trinitarian houses were uniformly styled Ministers not Abbots, though on one occasion, in 1509-10, 'the *abbai* of the Trinite callit the Crois Kirk in Peblis' is mentioned in a local record. The list of known Ministers of the Peebles Friars is nearly, if not wholly, complete from about the middle of the fifteenth century, and Turnbull's name is not among them, nor has he as yet been traced elsewhere. Any information tending to identify the 'abbot' will be welcomed. Following out a friend's suggestion, inquiry was made regarding a bishop of Ross said to be named John Turnbull, but this has only resulted in the discovery of a mistake which it may be as well to note. In *Keith's Catalogue* John, bishop of Ross, is referred to (1420-39), while in *Walcott's Ancient Church of Scotland*, p. 158, and in *Laing's Supplemental Catalogue of Scottish Seals*, No. 1067, the name is given as John Turnbull. This surname has apparently been guessed from Bishop John's seal, which does not bear his name, but has a bull's head on a shield (*Laing*, plate ix., fig. 4). The bishop's actual name, as shown by an entry in Exchequer Rolls (1440-1), v. p. 101, was John Bullok.

R. R.

BARONS OF WESTPHALIA, created by Napoleon I. Where is an account given of this title, and of its precedence under the French Empire?

M. J.

Communications and Replies.

THE RUTHVEN PEERAGE CONTROVERSY. The family of Ruthven of Freeland, ennobled in 1651, became extinct in the direct male line fifty years later. Since then the title has been continuously borne by the first lord's descendants in the female line; it has been included in all official lists, and its bearer has always enjoyed without challenge all the privileges of a Peer. On the other hand, our earliest Peerage writer in 1716 pronounced the title to be extinct; other eighteenth-century genealogists expressed or implied the same view; Douglas, our still unsuperseded standard authority, writing at a time when the holder's rights were fully admitted and freely exercised, expresses himself with a reserve perhaps not less significant than the denunciations of the free lances. Riddell for once is in agreement with Crawford and not out of harmony with Douglas, though he finds an excuse for falling foul of the latter for not publishing certain curious circumstances first discovered by Riddell himself. In our own day the adverse view has been enforced by Mr. J. H. Round in one of his most vigorous and rigorous essays, and seems to have become so to speak the orthodox faith among English students of Scots Peerage questions. If the lords Ruthven¹ are indeed "a line of commoners," as Mr. Round says, they are surely the most fortunate, if not then they are the most unfortunate, of their class. Against such antagonists it needed courage to enter the lists; but our best all-round historical antiquary² has taken up the challenge, and from the readers of this Review at least Mr. J. H. Stevenson is sure of a free field, and some favour to boot.

His pamphlet³ contains a summary of the known facts, now first fully and clearly set forth; and an examination not of the rights of the case, but of the arguments and assertions of his predecessors. It is a discussion of side issues, but of side issues raised by them, viz., first, the relative value of the evidence adduced on either side; and second, the alleged *mala fides* of the two ladies and one gentleman who assumed and bore the title between 1701 and 1783. Thus it would be possible to assent to every proposition here maintained, and yet to accept the assailants' opinion on the merits.

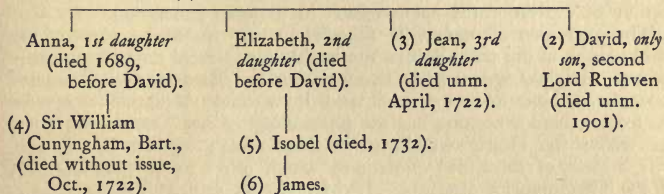
¹ I use the title throughout for convenience, and without prejudice.

² Speaking as a Scotsman.

³ *The Ruthven of Freeland Peerage*, by J. H. Stevenson. Glasgow: MacLehose, 1905.

The following pedigree of the descendants of the first Lord Ruthven is taken from Mr. Stevenson's pamphlet. His figures show the order of their succession to the estates.

(1) SIR THOMAS, FIRST LORD RUTHVEN.



It will be seen that on the second lord's death, his youngest sister inherited the estates—under an entail executed by him. She assumed the title, is styled Lady Ruthven as early as 1702, and continuously till her death, and must have been the baroness summoned to the coronation of George I., if summons there was, which though not proved is admitted on both sides. After her death Sir William Cunyngham, the next heir of entail, was confirmed executor dative to his aunt, who in this record is not styled Lady Ruthven but Mrs. Jean Ruthven of Freeland. He survived her six months only, and died without taking any steps to complete his title to either peerage or estate. His cousin, Isobel, then the sole heir of line of the family, took up the title, and was known as Lady Ruthven for the remainder of her life. She is said, and admitted, to have been summoned as a Peeress to the coronation of George II. On her death her son James succeeded to the estates and assumed the title, but not until he had been served heir both in general and in special to his great-uncle, the second lord. Of this, as of Sir William's attitude, something must be said further on. Meanwhile, it is clear that the assumers of the title were all heirs of entail in possession of the estates, and all, except Baroness Jean, heirs general of the body of the first lord.

It would be unjust to attempt to summarise Mr. Stevenson's most able and convincing dissertation on the evidential value of certain published and MS. lists compiled by private persons on one hand, and of the Union Roll and the 1740 Report of the Lords of Session on the other. The latter are documents affecting not the Ruthvens only, but the whole Scots peerage; this part of the pamphlet, therefore, has an independent and a permanent value. The subject seems to be one of those which the human mind cannot tackle unless it has a case to prove. But Mr. Stevenson not only supplies a necessary corrective to his predecessors; his work is distinctly more judicial in spirit than theirs. It is, or ought to be, henceforth impossible to decry the official roll and report as valueless, and to set such lists as Chamberlayne's and Macfarlane's on a pinnacle. The former listmaker indeed can hardly be considered evidence at all; the latter is only evidence of what was

believed in his own time, and must be classed with, and in the chronology placed between, Crawford and Lord Hailes. But I, for one, cannot hold the testimony of these scholars so cheap as Mr. Stevenson seems to hold them. Crawford was a contemporary of the second Lord Ruthven, and the other two must be taken as representing an important section of well-informed opinion each in his own generation.

The accusation of *mala fides*, founded on the recorded actions of the early holders of the title, is here thoroughly investigated and triumphantly refuted. Rightly or wrongly, Baroness Jean and Baroness Isobel assumed the title without hesitancy, and used it without vacillation. Against the former there is nothing but the phraseology of her Testament Dative, for which she clearly could not be responsible; against the former, only a series of unverified quotations, which prove to be misquotations, of the Commissariat Records. If Mr. Round returns to the charge, he is bound to withdraw this part of his case. Against James, third Lord Ruthven, the ground of the accusation is the fewness of the votes which he recorded at Peers' elections. To which the reply given is enough; unless, and until it can be shown that the votes he gave were given on occasions so selected as to avoid the risk of challenge, his abstentions must be ascribed to other than prudential motives.

So far the disputants—what hypothesis best explains, from the bystander's point of view, the known acts of the successive heirs of line of the Freeland family? Mr. Stevenson considers that 'the private views of Jean, Isobel, Sir William, and James the third lord, are not nearly so important as the conclusions of the authorities of their times'; but the family tradition, if we can ascertain what it was, is surely not irrelevant. In the first place, the Patent must have perished, not in the fire of 1750, but before 1716; to record it would have been the only satisfactory answer to Crawford.¹ Here is the place where Hailes' anecdote, if founded on fact,² fits in exactly. The suggestion that the Patent ought to be recorded, has been ventured by a friend in the hearing of Baroness Jean. Her reply is to point to her Coronation Summons received two years before, and exclaim, 'Here is my Patent!' A fair repartee; and considering that the lady had borne the title since 1702 (as Mr. Stevenson has proved), Mr. Round's comment that the claim 'originated in a joke' is hardly justified.

It has already been observed that the assumers of the title were each of them, at the time they took it up, heirs of entail in possession. The conclusion to be drawn is, tolerably certain,—the family belief was that the title was to go with the lands; in other words, that it was destined

¹ Assuming, of course, that the claim was not absolutely fraudulent.

² Mr. Stevenson well shows that Hailes can only have had the story as a piece of old time gossip. The reference to the Pension granted to 'Lady Ann Ruthven' may date his memorandum. The grant could, no doubt, be traced in London; it seems not to be recorded in Edinburgh; but it is not likely to have been earlier than 1783, the date of the lady's husband's death.

to the heirs of entail. But, granting this to have been the intention, could it receive effect? Mr. Round has a dictum of Riddell's to produce,—a limitation to heirs of entail could only refer to entails executed before the death of the patentee. The Freeland entail was executed not by the first but by the second lord. Obviously, inattention to Riddell's distinction could not imply *mala fides* in Baroness Jean, who died before Riddell was born; but take the hypothesis that Sir William Cunyngham, or his lawyers, were of Riddell's mind, what would he (or they) have done? Not claimed the title for Sir William, who (if it was descendible to heirs female and was unaffected by the entail) was *de jure* the peer from 1701 onwards. Poor men seldom care to offend a well-to-do maiden aunt! But, if after her death he meant to assert his right, the first step would be to dissociate his claim from hers. And we actually find that, in the record of his appointment as her executor dative, the lady is docked of her title; while the executor himself, as Mr. Stevenson tells us, drops his baronetcy,—possibly as about to assume the higher title. If his intention was what I suggest, the next steps would be (1) to come to some arrangement with his creditors which might save his interest in Freeland from being swallowed up in the vortex; (2) to be served heir to his uncle, the second lord. Before he could do either, he died. This is one explanation of his conduct. The other is that favoured by Mr. Round, Mr. Foster, and G. E. C., that he did not believe in the continued existence of the title. Different minds may judge differently; to me my suggestion seems, considering Sir William's surroundings, decidedly the more probable. At all events, his mere failure to assume the title cannot possibly have the importance attributed to it by the critics; six months was all the time he had, and just six months elapsed before James, the third lord, whose path was smooth compared to Sir William's, could carry through what his lawyers considered the necessary preliminaries, and take up the peerage. Now, supposing that Baroness Jean's claim was bad under Riddell's rule, is the claim of her successors, whose title was not derived from her, and who were heirs of line as well as of entail, necessarily vitiated thereby? Surely not.

But, if the family tradition was what I have inferred it to be, we cannot shut our eyes to the fact that there was another tradition, to a quite different effect, in its origin coeval, handed down by Crawford, received by Macfarlane and Hailes. It is outside testimony, but for that reason unbiassed; and the 'rex rotulorum' and Report of 1740, however highly we esteem them, are not decisive against them. Mr. Stevenson may have (in all probability he has) more to produce on a future occasion. For the present, he leaves us still unable to resist the contention that Lord Mansfield's doctrine, the presumption for limitation to heirs male of the patentee's body, is properly applicable to the Ruthven case. And here its application would not, as in the Lindores and Mar cases, bring about any sharp conflict between the legal and the historical presumption. The favourable evidence is of the kind which, taken by itself, might avail (Mr. Stevenson suggests that it does avail) to rebut the legal presumption; while of the adverse proof it may be said that its historical is perhaps more obvious than its legal relevancy.

Let me conclude with Riddell's conclusion:¹ 'Yet there was vested in the family the undoubted representation as heirs-general, which cannot be impugned, of the only remaining branch of a noble house, who were not only ancient, but of the highest note, and distinction, in Perthshire.' Mr. Round, if I rightly understand him, is interested in the case chiefly as providing a text for his denunciation of the 'unaccountable perversity' of those Scotsmen who will not help him to set up a sort of Public Prosecutor of untested peerages. Perhaps it is another instance (in humble life) of the said unaccountable perversity; but will my fellow-Scots be shocked by the suggestion that there are cases and cases? For claimants of the Colville of Ochiltree type there is justice in Scotland as swift and sudden as south of the Tweed. But of a peerage like the barony of Ruthven of Freeland, one may be excused for feeling that its case can wait till it is called.

J. MAITLAND THOMSON.

THE ALTAR OF ST. FERGUS, ST. ANDREWS (*S.H.R.*, ii. 260, 478). What appears to be the original manuscript of this Rental is in the University Library at St. Andrews. It previously belonged to Principal Lee, of Edinburgh University, and was bought at the sale of his manuscripts, on 6th April, 1861, at the price of one guinea. Principal Lee's 'interesting collection of rare and curious pamphlets' was sold on 29th May, 1863, and included the following item:

6. *Condemnatio doctrinalis Librorum M. Lutheri and Responsio Lutheriana*, 1525. *Rentale Altaris Sancti Fergusii infra Eccl. Paroch. St. And.* 1525, *MS.* *Cochlei Responsio* 500 Articuli M. Lutheri, 1526. *Aristophanis facetissimi Comoedia Vespa*, *Gr.* 1540, and another.

This lot also realised a guinea, but I have no information as to who was the purchaser. I thought it might possibly have been the volume which afterwards belonged to Bishop Forbes, but the Rev. E. Beresford Cooke, diocesan librarian, informs me that the Brechin manuscript 'was originally bound up with a multitude of tracts on all sorts of ecclesiastical and other subjects,' mostly of modern date. The Lee volume may of course have been broken up by a bookseller and the manuscript Rental acquired separately by Bishop Forbes. Otherwise it seems evident that another copy of the Rental must be preserved in some public or private library.

The St. Andrews manuscript had at first consisted of 22 leaves of vellum, done up in two quires—one of 12 leaves and the other of 10 leaves, measuring about 8 inches in height and about 6 inches in breadth. As the little volume now stands, five leaves have been cut out—two from the first quire and three from the second. Some of these leaves may have been spoiled and cancelled when the Rental was being engrossed, but others appear to have been deleted when the quires were

¹ *Remarks upon Scotch Peerage Law*, p. 145.

put together. The only leaf on which a catchword is used is followed by the remains of three cut out leaves. The catchword was no doubt written to assure the reader that nothing was missing from the text. On what remains of one of these leaves there are faint traces of writing, while on another of them the following words of an unfinished charter are still quite legible: 'sigillum meum proprium vnacum sigillis dictorum Katrine et Thome sunt appensa apud Newth . . .'. Vellum being a precious and somewhat expensive commodity, use had been made of the clean portions of sheets which had already been put to other purposes, cut to the proper size and just folded sufficiently to catch the needle and thread of the binder. Of the 34 remaining pages 10 are blank. The two quires have been strongly bound between oak boards, with bevelled edges, but without any trace of leather covering. The writing is in a clear, bold hand, nearly every letter standing by itself as in a printed book. A commencement had been made on the second leaf, but the writer having gone wrong stopped and passed on to the fourth leaf, where the Rental begins exactly as in Mr. Eeles's transcript.

About ten years ago Professor A. F. Mitchell made a copy of the St. Andrews manuscript for the then Marquess of Bute, who was much interested in the Rental, but I am not aware that his Lordship made any public use of it. Some time afterwards I made a careful transcript of the same manuscript, and drafted a translation of it, with the intention of including it in a volume of local documents of ecclesiological interest. This projected publication has had to stand aside in order that progress might be made with more pressing work, and may not be taken up again for some time. Now that Mr. Eeles has anticipated me in the publication of the Rental, it is satisfactory to find that he has not bestowed so much pains upon a wholly untrustworthy copy. The Brechin manuscript is in the main a fairly close copy of the St. Andrews one. The rubrication has been followed exactly; there are very few verbal differences; but the spelling, as might be expected, varies considerably. The name which Mr. Eeles in his introduction writes 'Tylless,' and in his text 'Tyllefer,' is quite plainly Eyllless. The *s* is, no doubt, provided with a loop which is used elsewhere to indicate *er*; but the same loop is also used in words like Glammysr and hersr, where it can have no meaning at all unless it be to double the final letter.

The most serious defect of the Brechin transcript is in the matter of omissions. On page 265 of *S.H.R.*, line 8 from bottom, after the word 'corporale' the clause 'Item vnacum fiolam stanneam' has been left out. On page 267, line 2 from top, the St. Andrews reading is 'Item tres fiolas stanneas.' On same page, line 21 from top, before the words 'cum cornu' the words 'ex tribus arundinibus' should be inserted; and in the third last line of the text the word 'altaris' should be followed by 'tenetur.'

But a more unfortunate discrepancy than any of these occurs at the very outset of the document, where the omission of over a dozen

words entirely misleads the reader as to the tenure of office of the first chaplain. The second paragraph of the Rental should read as follows:

‘Notandum est quod magister Wilelmus Cubbe fuit primus capellanus [prefati altaris et habuit ad spacium quadraginta annorum. Dominus Wilelmus Malwyn fuit secundus capellanus] dicti altaris ad spacium septem annorum et reliquit seruicium dicti altaris quia inde non potuit commodè sustentari.’

The words here printed between square brackets have been passed over (in a quite intelligible way) by the transcriber of the Brechin manuscript. It is odd that the word ‘dicti’ in the third line from the bottom of page 265 did not suggest to Mr. Eeles or to Mr. Law that some previous reference to Malwyn had been omitted.

The date ‘Millesimo quadringentesimo nono’ is quite plainly written in the St. Andrews manuscript, but it is an impossible one for the simple reason that the church in which the altar was situated had not then been built. If Mr. Cubbe held the altarage for forty years and Mr. Malwyn for seven, the missing word should be ‘septuagesimo.’ As a matter of fact the altar of St. Fergus was founded on 27th January, 1430-31, by William Cairns (Wilelmus de Kernis), vicar of Glamis. It stood beside the pillar nearest to the west gable of the church, on the south side. The Thomas de Kernis whose name was associated with the foundation had been rector of Seton. The chaplain in 1555 was Andrew Baxter, who feued one of the Kirk Wynd properties on condition that the roof was to be renewed and the building maintained in good and habitable condition for ever. It is now the site of the *St. Andrews Citizen* office.

This is scarcely the place in which to discuss purely local details, and I am afraid I am not the ‘local antiquary’ desiderated by Mr. Eeles. I would only venture to add that I agree with Bishop Dowden as to the meaning of the term *solium*, which I had translated ‘attic.’

J. MAITLAND ANDERSON.

THE BROOCH OF LORN. The brooch worn by King Robert Bruce still exists in the possession of Captain A. J. MacDougall of MacDougall, Dunollie Castle, Argyllshire; and this, a short history of it, is derived in part from original sources, and from information supplied by members of the two families concerned.

The brooch is an article essential to the dress once worn by both sexes in the Highlands, and in many Highland families of various ranks favourite brooches have been preserved through many generations as heirlooms which no pecuniary inducement would tempt their humblest owner to part with. A Highland bridegroom gave his bride, not a ring, but a brooch, usually with some affectionate inscription upon it; and as the same article sometimes served several generations of one family, it was apt to become invested with many endearing associations.

The Brooch of Lorn, ‘The brooch of burning gold,’ and ‘Gem ne’er wrought on Highland mountain,’ is not of gold, as Sir Walter

Scott,¹ from misinformation erroneously represented it, but of silver 'of very curious form and ancient workmanship.'² It consists of a circular plate, about four inches in diameter, enriched with filigree work, and on the under side is an ordinary tongue for the purpose of fastening it to the plaid. The margin of the upper side is magnificently ornamented, and has a rim rising from it, with hollows cut in the edge at certain distances, like the embrasures in an embattled wall. From a circle within this rim rise eight very delicately-wrought tapering obelisks, about an inch and a quarter high, each one finishing in a large pearl. Within this circle of obelisks there is a second rim, also ornamented with carved work, and within which rises a neat circular case, occupying the whole centre of the brooch, and slightly overtopping the obelisks. The exterior of this case, instead of forming a plain circle, projects into eight semi-cylinders, which relieve it from all appearance of heaviness. The upper part is also very elegantly carved, and in the centre is a round crystalline ball, or magical gem. This case may be taken off, and within there is a hollow for holding amulets or relics, which, with the assistance of the powerful stone, must needs prove an infallible preservative against all harm. In this cavity are the remains of human bones. What the gem is which crowns the whole no one can say with certainty.³

At the time that Robert the Bruce asserted his claim to the throne of Scotland among those who opposed his claim was Alexander de Ergadia, or of Argyle, the ancestor of the MacDougalls of Lorne, the chiefs of that surname, being for some considerable time dignified with the title of Lords of Lorne. This Alexander, or Alastair, was in alliance with the English monarch, and had further and more special causes of hostility to Bruce, from his being married to a daughter of John Comyn, Lord of Badenoch, chief of that potent and numerous surname, whom Bruce had slain in the Monastery of the Grey Friars in Dumfries. In consequence of this event the MacDougalls became mortal enemies of the King, and were among the most persevering and dangerous of them all.

¹ 'Lord of the Isles', canto ii.

² *Memorial of the Royal Progress in Scotland*, by Sir Thomas Dick Lauder, Bart., of Fountainhall.

³ The brooch is one of a class of Reliquary Brooches distinguished by the presence of a central capsule to hold the relic. This capsule is made the principal feature of the decoration of the brooch, both by its position, its size, and its being surmounted by a large hemispherical setting of rock crystal or other stone. These brooches have also the common feature of having a circle of minor settings on elevated bases placed in a circle round the central one. They are all from the West of Scotland, indeed all from Argyleshire, and probably locally made. There are only other two specimens known, viz.: 'The Lochbuie brooch, a family heirloom of the Maclaines of Lochbuie, and 'The Ugadale brooch,' preserved by Captain Hector Macneal of Ugadale and Lossit, Campbeltown. This latter brooch, according to a tradition in the family, also belonged to King Robert Bruce.—Communicated to the writer by Captain Macneal.

After his defeat at Methven, in 1306, Bruce retreated to Athole and the wilds of Rannoch with the dispirited remnant of his followers. But as Rannoch could in those days afford but scanty supplies for an army, however small, Bruce, towards the beginning of autumn, was compelled to move south and join his friends in the Lennox and in Dumfriesshire. His route lay along the defiles, or passes, between Rannoch and the head of Loch Tay, but he was encountered by the Lord of Lorn, and his allies, the Macnabs of Glendochard, the Macnaughtons, the MacFarlanes, the MacIagans, and many of the minor clans, at Strathfillan, upon a plain still called Dailrigh, or Dalry, and he was completely defeated, and in his flight narrowly escaping capture or death. The traditional story is well known that in the struggle Bruce lost his brooch, which was long kept as a monument of victory by the chiefs of the house of Dunollie.¹

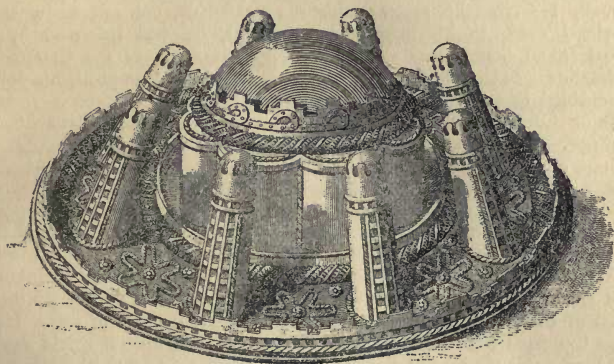
The royal relic continued in the family till the year 1647.² In the Civil War, the MacDougalls adhered to the cause of Charles I., and suffered much for their loyalty. Dunollie Castle was besieged by a detachment of General Leslie's army, under Colonel Montgomery, but from its strong position it resisted the efforts of the enemy. But Gylen Castle ('Caisteal nan Goibhlean,' 'Castle of the Forks,' referring to the forked configuration of the rocks around the Castle), in the island of Kerrera, the 'Doon House,' being less strongly situated, was captured, sacked, and burned. It was on this occasion that the brooch of Bruce was carried away. It became the spoil of Campbell of Braighghlinne,³

¹ Barbour's *Bruce*, John of Fordun's *Chronicle of the Scottish Nation*. Barbour calls the men Makyne-drosser (interpreted Durward or Porterson), while in the family tradition they are named MacKeoch or MacKichian. It is interesting to note that the guardian spirit of the house of Dunollie is called 'Nic Kichian,' and is said to have her abode on the Maiden Island, close to the ruins of the castle. Loch Dochart is always stated as the locality where the royal struggle with the henchmen of Lorne took place, but this is erroneous. Angus Fletcher, Esq., Abbotsford Lodge, Callander, has sent the writer for perusal copy of a correspondence which passed between Mr. Duncan Whyte of Glasgow and Captain Stewart of Tigh-an-Duin, Killin, on the above subject. Mr. Whyte's remarks seem incontrovertible. 'Examination of the locality has strongly convinced me that the conflict could not have taken place at the side of Loch Dochart, because this loch is seven miles east of "Dail-nan-Geoichein," and the retreat of Bruce from Dail-Righ can be traced up the glen of Achariach and down Glenfalloch to Loch Lomond. The conflict rather took place by the side of Lochan-nan-arm, the lake of the arms.' The battle-axe used by Bruce on this occasion is still preserved at Dunstaffnage, Oban. There is a tradition in the family of Dunstaffnage that the battle-axe, along with some other things, was left by Bruce after handing over the castle to the Campbells.—Communicated to the writer by Mrs. Campbell of Dunstaffnage.

² Tradition in Dunollie family, *New Statistical Account of Scotland*.

³ Braglin is situated at the head of Loch Scamadale, and is about 8 miles in a direction to the south-east of Oban. 'Little John' was celebrated in his day for his dauntless bravery and fertility in resource, and many stories are still current concerning him in the district of Nether-Lorn. The laird of Braglin was buried in the Churchyard of Kilbride, where his curiously-carved gravestone is still to be seen. Vide Lord Archibald Campbell's *Records of Argyll*.

or Braglin, better known in song and story as 'Iain beag Mac-Iain'ic Dhòmhnuill,' *i.e.* little John, son of John, son of Donald, who took part in the latter affair, secured the brooch of King Robert, or as it was now commonly called, the brooch of Lorn, which he took into his possession as fair spoil, though he did not think proper to make his good fortune too well known, lest the MacDougalls might have thought it necessary afterwards to attempt the recovery of the highly-valued relic by force. Time rolled on. In 1715, 'Iain Ciar,' the chief of the MacDougalls, joined the Earl of Mar, and his estate was forfeited, but it was restored just before the 'rising' for Prince Charles,



and he, consequently, did not 'go out' on the occasion. Meanwhile, the brooch continued safe in the strong chest at Braglin. To the MacDougalls themselves it was not even known to exist.

During the long period that the brooch was lost to the MacDougalls, and in the absence of any direct knowledge of its fate, it is not surprising that imagination should have supplied the place of truth, and that many of the stories hitherto accepted as truthful accounts may be dismissed as untrue. In the most recent publications,¹ it is asserted that the brooch was kept in Dunollie Castle, that it disappeared in the seventeenth century when the castle was burned by the Macneills, assisted by the Campbells of Braglin; that it was carried into England, finding its way ultimately to a London broker's shop, from which it was rescued at a good price by one of the Lochnell Campbells; and that it was destroyed by an accidental fire, and was replaced by another brooch of much less ancient date. It is also frequently stated that the brooch was presented to the late Queen Victoria by the MacDougalls.

¹ Vide *The Book of the Bishop's Castle, Scottish National Memorials.*

The authentic account, derived from the two families¹ concerned, goes to show that the brooch remained in the possession of the Campbells for the long period of 172 years, until 1819. Major Campbell, the last holder of the brooch of Lorn, served with distinction in the Peninsular War. After his return to Braglin, he had a list made of his title-deeds to his lands, and in turning out these old parchments from the bottom of the strong chest came on the brooch, and knowing the tradition in the family, recognised it as the brooch taken by his ancestor, the celebrated 'Iain beag,' at the capture of Gylen Castle; and there being no longer any reason for concealment, spoke openly about it. As already stated, the MacDougalls believed the brooch to have been lost or destroyed, so that the late Admiral Sir John MacDougall of MacDougall, K.C.B. (the present chief's grandfather), did not know that it existed until, to his intense astonishment, he was informed by a mutual friend that it was safe, and in the possession of the Campbells of Braglin? Subsequently, by the courtesy of Mrs. Campbell, Sir John was enabled to see the long-lost treasure.²

Major Campbell died in 1819, leaving a widow and three infant daughters. General Campbell of Lochnell, Major Campbell's first cousin, and one of his trustees, in whose custody the brooch now was, with the consent of the other trustee, Campbell of Craigmore, made arrangements for its restoration to the MacDougalls in order to neutralize their opposition to some election that he was interested in. No price was paid for it, and it is questionable if the trustees had any right to dispose of it in any way, it being a family heirloom of the Campbells. Thus the brooch again changed owners, and passed out of the possession of the youthful heiress of Braglin, to whose ancestor it had fallen as a spoil of war. Had Major Campbell left a son the idea of alienating the brooch would never have been entertained. However, the further fortune of the brooch was singularly appropriate. In October, 1824,³ at the county meeting held at Inveraray, General Campbell presented the brooch to his old friend and neighbour, Sir John MacDougall. Thus the brooch of Lorn, and relic of the Bruce found its way back to Dunollie after being out of the family for the long period of 177 years, by whose ancestors it was captured in fierce combat with the Bruce at Dailrig in 1306.

On the occasion of the pageant at Taymouth, when Queen Victoria visited it in course of her progress through the Highlands in 1842, the royal barge on Loch Tay was commanded by Sir John (then Captain), in full Highland costume. Lord Breadalbane presented the wearer to the Queen, mentioning his profession, and that he bore the historic brooch of Lorn, which belonged to Robert the Bruce. The Queen

¹ From information supplied by the late Miss Louise MacDougall, of MacDougall and Dunollie, daughter of the late Vice-Admiral Sir John MacDougall, K.C.B., of MacDougall; also from Miss Giles M. Campbell, of Braglin, Ashbank, Gorebridge; and Campbell A. Robertson, Esq., London, members of the Braglin family.

² Miss M. O. Campbell, in her *Memorial History of the Campbells of Melfort*.

³ Vide *The Gentleman's Magazine and Historical Chronicle* for 1824.

took the brooch in her hand and examined it minutely, asking about the centre stone, etc.¹ One more royal reminiscence attaches to the brooch. When the Princess Royal, at that time Crown Princess of Prussia, was visiting the Duke and Duchess of Argyll at Inveraray, she expressed a curiosity to see the brooch. Hearing this, Sir John, then well advanced in years, started off on horseback to Dunollie, and was back at Inveraray before dinner, a distance of over 80 miles, proudly bearing the brooch.²

IAIN MACDOUGALL.

FRENCH TRANSLATIONS OF THE WEALTH OF NATIONS. The first edition of *An Inquiry into the Nature and Causes of the Wealth of Nations* was printed in the end of the year 1775, and was published at London in the beginning of 1776, in 2 vols. 4to. It was very favourably reviewed in the *Journal des Sçavans* of February, 1777 (p. 81 of the 4to, p. 239 of the 12mo edition), but the reviewer remarked that no author or publisher was prepared to take the risk of publishing a French translation.

The Abbé Morellet, writing to Lord Shelburne from Paris on 12th March, 1776, says: 'I have got the loan of the first volume of the new book of M. Smith, in which I have found some excellent things. The developments are somewhat drawn out and the "Scottish subtilty" is present in all its luxuriance. This possibly may not be pleasing to you, but the work has given me great pleasure, as I delight in such speculations' (*Lettres de l'Abbé Morellet à Lord Shelburne*, p. 105: Paris, 1898, 8vo). In his *Mémoires* the Abbé states that he spent the autumn of the year 1776 at Brienne, in Champagne, and occupied himself very assiduously in translating *The Wealth of Nations*; but an ex-Benedictine, the Abbé Blavet, the author of a bad translation of the *Theory of Moral Sentiments*, took up Adam Smith's new treatise and sent it in weekly instalments to the *Journal of Commerce*. 'This,' says Morellet, 'was an excellent thing for the journal, as it filled its columns, but poor Smith was traduced rather than translated, according to the Italian proverb *tradottore traditore*. Blavet's version, which was dispersed through the columns of the journal, was soon issued in a collected form by a bookseller, and proved an obstacle to the publication of mine. I offered it first for a hundred louis, and then for nothing, but the competition caused its rejection. Long after I asked the Archbishop of Sens, during his ministry, for a hundred louis, and said that I would take the risk of publication, but he declined, as the booksellers had formerly done. It would have been a hundred louis well employed. My translation was carefully made. Everything of an abstract character in Smith's theory becomes unintelligible in Blavet's translation, but in mine may be read with profit' (*Mémoires de l'Abbé Morellet*, p. 243: Paris, 1823, 8vo).

The reprint of Blavet's version to which Morellet refers appeared at Yverdon in 1781 in 6 volumes 12mo, and at Paris in the same year

¹ Leaves from the *Journal of our Life in the Highlands*.

² *Records of Argyll*.

in 3 volumes 12mo, and again at London and Paris in 1788 in 2 volumes 8vo, and revised and corrected, with Blavet's name as translator, at Paris An. ix. (1800-01) in 4 volumes 8vo.

In the meantime another translation, of no great merit, was made by Jeane Antoine Roucher, the poet, author of *Les Saisons*, and was published at Paris in 1790 in 4 volumes 8vo; again at Neufchatel in 1792 in 5 volumes 8vo, and lastly at Paris An. iii. (1795) in 5 volumes 8vo. According to Blavet, Roucher was more concerned with the language than the sense. He says that he did not understand English, and relied upon his version, although he pretended that he was not aware of any French translation of the work.

A third and better translation by Count Germain Garnier appeared at Paris An. x. (1802) in 5 volumes 8vo, with a portrait of Adam Smith. Other editions were issued in 1809 and 1822, the former in 3 the latter in 6 volumes 8vo, one being a volume of notes. This edition was revised by Jerome Adolphe Blanqui, and was republished at Paris in 1843 in 2 volumes 8vo as volumes 5 and 6 of Guillaume's *Collection des Économistes*.

As the Abbé Morellet lived until 1819, and depended for his livelihood, in his later years, on translations for the booksellers, it seems strange that he was unable to dispose of his MS. of *The Wealth of Nations* when other two translations found a market, notwithstanding that of Blavet.

In his edition of Paris, 1800-01, the Abbé Blavet, or Citizen Blavet as he then styles himself, gives some information regarding his translation. He made it, he says, entirely for his own use, and with no great exactness. He had no intention of publishing it until his friend M. Ameilhon happened to complain of a scarcity of interesting articles for his *Journal de l'Agriculture, du Commerce, des Arts et des Finances*,¹ which had just come under the control of the mercantilists. It struck him that he might offer it to him, which he did, with the explanation that it was far from

¹ This is a third series of the *Journal de Commerce* of Camus and the Abbé Roubaud. Bruxelles, 1759-62, 24 vol. 12mo. It was discontinued for a short time and reappeared again at Paris in July, 1765, under the title *Journal d'Agriculture, du Commerce et des Finances*, and Dupont de Nemours was associated with the other two as principal editor. This series ran until December, 1774, in 114 monthly parts, making 48 vols. 12mo. The *Journal* had been the battle-ground of the mercantilists and the physiocrats. In 1767, the former having got the upper hand, dismissed Dupont de Nemours, who with his party found an organ in the *Ephémérides du Citoyen*, which was then edited by the Abbé Baudeau, who retired in favour of Dupont de Nemours in May, 1768. It stopped in March, 1772, but reappeared again in December, 1774, and ran until June, 1776. A copy for the years 1765-67 was in Adam Smith's library.

The *Journal d'Agriculture* was discontinued until January, 1778, when it appeared under the title in the text, with Ameilhon as editor. It ran until December, 1783, in 72 monthly parts, forming 24 vols. 12mo. It was then absorbed by the *Affiches, Annonces et Avis divers*, which in 1784 adopted the sub-title, *ou Journal général de France*, and became in 1785 *Journal général de France*. From 1787 to 1790 a Supplement devoted to agriculture was issued.

perfect. It was accepted, and appeared in the issues of the *Journal* between January, 1779, and December, 1780. He did not anticipate that it would go further, but scarcely had the last part appeared when it was reprinted and published at Yverdon in 1781, with more faults than in the serial publication. The edition of 1788 likewise appeared without his knowledge or consent, and was still more marred by errors than that of Yverdon. Blavet had stipulated with Ameilhon that his name was not to appear, but seeing the popularity the work had secured he sent a letter to the *Journal de Paris* of 5th December, 1788, claiming the authorship. This letter brought him into communication with M. Guyot, of Neufchatel, with whom he had hitherto been unacquainted. Guyot, who was a friend of Smith and of Dugald Stewart, said that although complaints had been made regarding the translation, the faults were of a kind that could easily be corrected, and he offered his assistance in doing this. He said that when the edition of 1788 appeared both he and Stewart believed that it was by the Abbé Morellet.

Blavet followed Guyot's advice, revised his translation, and published it with his name at Paris in 1800. In the British Museum there is a copy of the edition of 1788, with numerous MS. corrections, said to be by Blavet, most of which have been given effect to in the edition of 1800.

Adam Smith had a copy of Blavet's edition of 1788, and another of that 1800. The latter bears the inscription, ‘À M. Smith de la part de son tres humble serviteur, l'Abbé Blavet.’ Although Blavet did not acknowledge the translation until 1788, it seems to have been known that it was by him, for he prints a letter from Smith to himself, dated Edinburgh, 23rd July, 1782, in which Smith says he had had a letter from the Comte de Nort, a colonel of infantry in the French Army, proposing a new translation, but he had written to him that it was not required. He adds that he did not propose to encourage or favour any other than that of Blavet.

While all of these translations are well known, and have been the subject of considerable discussion, there was a fourth and earlier one which seems to have been entirely overlooked. The title page of the first volume reads thus: Recherches | Sur | La Nature | Et Les Causes | De La | Richesse | Des | Nations. | Tome Premier. | Traduit de l'Anglois de M. Adam Smith, par M. . . . | A La Haye | MDCCLXXVIII.

The book is in four volumes 12mo. Volumes I. and II. bear date 1778, volumes III. and IV. 1779.

Blavet's translation, as we have seen, appeared in the columns of the *Journal de l'Agriculture* between January, 1779, and December, 1780, so that the Hague translation was thus a year earlier in date, and was evidently by a different hand, as may be seen by comparing one or two passages.

I. INTRODUCTION.

The Hague.

Le travail annuel de la Société est le fonds qui lui procure originairement toutes les nécessités & les com-

Blavet.

Le travail annuel d'une nation est la source d'où elle tire toutes les choses nécessaires & commodes qu'elle

modités de la vie qu'elle consomme annuellement, & qui consiste toujours ou dans le produit immédiat de ce travail, ou dans ce qu'elle achète des autres nations avec ce produit.

Ainsi, selon que ce produit ou ce qui est acheté avec ce produit, a plus ou moins de proportion avec le nombre des consommateurs, la Nation sera plus ou moins abondamment pourvue des nécessités ou commodités dont elle a besoin.

consomme annuellement, & qui consistent toujours ou dans le produit immédiat de ce travail, ou dans ce qu'elle achète des autres nations avec ce produit.

Ainsi, selon qu'il y aura plus ou moins de proportion entre le nombre de ses consommateurs & ce produit ou ce qu'elle achète avec ce produit, elle sera mieux ou plus mal pourvu par rapport aux besoins & aux commodités de la vie.

[In the revised edition of 1800 the concluding words run thus: 'pourvu des choses nécessaires et commodes dont elle a besoin.' This alteration is not in the British Museum copy of 1788.]

Book I. c. i.

Le travail paroît tirer sa principale force; le talent, l'adresse, l'art qui l'applique ou dirige, paroissent tenir leurs plus grand succès de sa distribution.

La division du travail est ce qui semble avoir contribué d'avantage à perfectionner les facultés qui le produisent, & a donner l'adresse, la dextérité & le discernement avec lesquels on l'applique & on le dirige.

[The revised edition of 1800, after 'produisent,' reads 'et de la dextérité, de l'habileté et du jugement.' This alteration partly appears in the British Museum copy of 1788.]

Book I. c. xi.

La rente, considérée comme le prix du loyer de la terre, est naturellement la plus forte que le Colon puisse payer au propriétaire relativement à l'état actuel de la terre.

La rente considérée comme le prix payé pour l'usage de la terre, est naturellement le taux le plus haut que le tenancier puisse en donner dans les circonstances actuelles de la terre.

[The revised edition of 1800 for the last four words reads, 'ou se trouve la terre.' The passage is unaltered in the British Museum copy of the 1788 edition.]

There is no copy of this early translation in the British Museum, or, so far as I can ascertain from catalogues, in any of the large libraries in the country. The collection of works by and relating to Adam Smith in the British Museum is very inadequate, and that in the library of the University of Glasgow—Smith's own university—is still more so.

Perhaps I may add, as supplementary to Mr. Bonar's *Catalogue of the*

‘The Wealth of Nations’ in French 119

Library of Adam Smith, that I have the following books bearing his book-plate :

- (1) Cumberland (Richard).
De legibus naturae. Lubecae, 1694, 8vo.
- (2) A volume of Tracts by Josiah Tucker.
There is a list prefixed in Smith's handwriting. They are as follows :
 - (a) Reflections on the expediency of a law for the Naturalization of Foreign Protestants. Part i. London, 1751, 8vo.
 - (b) The same. Part ii. *Ib.*, 1752, 8vo.
 - (c) A Letter to a Friend concerning Naturalizations. Second edition. *Ib.*, 1753, 8vo.
 - (d) A second Letter to a Friend concerning Naturalizations. *Ib.*, 1753, 8vo.
 - (e) An impartial Inquiry into the benefits and damages arising to the Nation from the present very great use of *Low-priced Spirituous Liquors*. *Ib.*, 1751, 8vo.
 - (f) Reflections on the expediency of opening the Trade to Turkey. *Ib.*, 1755, 8vo.
 - (g) Instructions for Travellers. Dublin, 1758, 8vo.
 - (h) Two Dissertations on certain Passages of Holy Scripture. London, 1749, 8vo.

In 1756 Tucker's *Essay on the Advantages and Disadvantages which respectively attend France and Great Britain with regard to Trade* was reprinted at Glasgow. There can be little doubt that this was upon the suggestion of Smith.

- (3) Virgilii Opera. Glasgow, 1778, folio, 2 vols.
A large paper copy in full polished calf; original binding. His name appears amongst those ‘of the Persons by whose encouragement this Edition has been printed.’
DAVID MURRAY.

SIGNATURES TO ROYAL CHARTERS. In his able review of Sir Archibald C. Lawrie's work on *Early Scottish Charters* (*S.H.R.*, vol. ii. page 428) Mr. Maitland Thomson, *inter alia*, states that in the fifteenth century, when the Register of Scone was written, ‘private deeds were signed by the granters rarely, Royal charters never.’ It may be noted, however, that this statement, though correct in the main, is subject to an interesting exception, as at least one monarch in that century, King James II., did occasionally sign his Great Seal charters with his own hand. There are five instances known to the writer : (1) a charter dated 5 November, 1449 (original in the Register House), abridged, with engraving of signature, in Sir William Fraser's *Douglas Book*, vol. iii. pp. 429, 430; (2) a charter 22 May, 1452, printed, with signature, in Fraser's *Memorials of the Montgomeries*, vol. ii. p. 33; (3) a charter dated 13 May, 1453, and (4) one of date 9 November, 1454, both originals in the Register House; (5) a confirmation of uncertain date, said to be signed by the king, and noted in the *Registrum Magni Sigilli*, 1424-1513, page 62. These are all Crown Charters, and are subscribed by King James Second; while doubtless there are others to be found in private repositories.

General Register House.

JOHN ANDERSON.

BATTLE OF GLENSHIEL (*S.H.R.*, ii. 415). In Professor Sanford Terry's valuable article on this affair, mention is made of Major Mackintosh, brother to Brigadier Mackintosh of Borlum, and in footnotes 13 and 15 his Christian name is given as *James* in a quotation from the Portland MSS. His name was *John*. He was third son of the elder Borlum, the Brigadier's father, and in 1715 he had been major in the chief of Mackintosh's regiment, forming part of the Jacobite force which marched into England under the command of his brother William, the Brigadier. After the surrender at Preston, in Lancashire, he had been taken to London and confined in Newgate, whence he had escaped with his brother and others on the 4th of April. Another brother, Duncan Mackintosh, was a captain in the same regiment, and was found guilty of high treason on 14th July, 1716.

A. M. M.

'SHELTA: THE CAIRD'S LANGUAGE.' With reference to the notice of this pamphlet which appeared in *S.H.R.*, ii. 467-468, Mr. David MacRitchie writes to point out that the chief exponent of the doctrine that Shelta is mainly a perversion of the pre-aspirated Gaelic spoken anterior to the eleventh century is Professor Kuno Meyer, and not himself. Mr. MacRitchie fears that the allusion to Professor Meyer's deduction as a flight of Romany philosophy might perhaps convey the impression that the jargon in question (*not* being perverted Old Gaelic) is a variety of Romany speech, which it is not, as may be seen from Professor Meyer's treatise 'On the Irish Origin and the Age of Shelta,' in the *Journal of the Gypsy Lore Society*, vol. ii. pp. 257-266.

ABERCROMBY (*S.H.R.*, ii. 472). Elizabeth, daughter of Abercromby of Glassaugh, married, 7th February, 1712 (as his second wife), William Baird of Auchmedden, who died 22nd August, 1720. She died at Banff 12th April, 1756. (*Genealogical Collections concerning the Sir name of Baird*. London, 1870, p. 36.)

J. R. A.

Record Room

INFORMATION AGAINST JACOBITES AND PAPISTS.

THE following papers are inserted by the kind permission of their owner, Mr. Alexander Erskine-Murray, to whom they have descended from his ancestor, Charles Erskine of Tinwald and Alva, Lord Justice Clerk, 1748-1763, for whose information they were originally written. The earliest (undated) here placed second, is interesting as it bears upon the fate of Dr. Archibald Cameron and the little known Jacobite intrigues of Mr. Charles Smith of Boulogne and the Patersons of Bannockburn. The letter in which this was found is concerned with the 'Treason,' in 1755, of an 'unqualified' Popish priest, Hugh MacDonald, half-brother of Allan MacDonald of Morar. He was in August of that year bound under £300 security to repair until November to the vicinity of Doune. On further trial he was banished for life from Scotland after May 1st, 1756.

A. FRANCIS STEUART.

LETTER. C. AMYAND, Secretary to the Regency, to the LORD JUSTICE CLERK. Whitehall, July 31, 1755.

MY LORD,

Your Lordship's letter of the 19th inst. to Sir Thomas Robinson inclosing a copy of the Declaration of Hugh MacDonald a Romish Priest, who has been lately apprehended, having been laid before the Lords Justices, I am to acquaint your Lordship that they entirely approve what you have done in this case, and likewise your intention of keeping the said MacDonald in Prison, untill such time as he can be dealt with according to Law; and in case anything material shall be discovered upon the examination of John MacDonald who is in custody here and is supposed to have been concerned with him in treasonable Practices, so much thereof shall be transmitted to your Lordship as shall appear to be usefull upon the Tryal of the said Hugh MacDonald.

I am with great truth and regard, my Lord,

Your Lordship's most obedient

Humble Servant,

C. AMYAND.

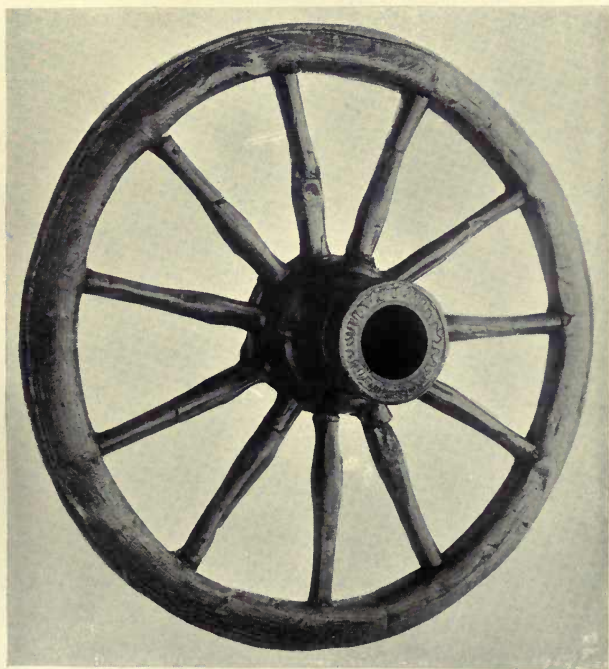
Enclosed in this letter, backed 'INTELLIGENCE,' and belonging to an earlier date, is the following:

'That there were lodged in Clanranalds' country, 9000 stands of arms, under the care of Ronald MacDonald, Brother to the late Kinloch

Moydart; Macdonald of Glenaladle; and the Bailie of Egg; and are kept, still by them, in as good Order as possible: That one John Macdonald who is cousin german to Glenaladle, said, in March last, that, if there was any Invasion, there was Plenty of Arms; and mentioned the Way and Manner, in which they were concealed;—But that, immediately before they were lodged in the Hands of the above mentioned Persons, Dr. Cameron had taken away, without orders 250 stands;—That the Arms might be got in Order, in Six Days Time, by very few Hands, for they had sustain'd very little Damage. That Mr. Gordon the Principal, sent for James Ogilvie, Ship Master from Boulogne, where He had been some time before, that He staid, for Ten Days, at the Scotch College, when the Pretender's son was at Paris.—That is Sir John Graham was sent, by the young Pretender's order, to deliver to Capt. Ogilvie 8000 Swords which had lain at Berlin, since the last Rebellion; that he was to deliver them to Capt. Ogilvie, at or near Dunkirk, conceal'd in Wine-Hogsheads, and that Capt. Ogilvie was to land them at Airth, in the Firth of Forth; and to get them convey'd to the House of *Tough* (which is two miles above Stirling;) where they were to remain, under the charge of Mr. Charles Smith; whose son is married to the Heiress of *Touch*.

'That Sir Archibald Steward of Castle-Milk near Greenock, had seen Dr. Cameron in Stirlingshire; who told him, that he hoped the Restoration would happen soon; For that Preparations were making for it; And that He had been sent to Scotland, to transact some affairs for that purpose.

'That proper Persons should be ordered to notice Captain Ogilvie's motions; and to watch Sir Hugh Paterson's House; as also the House of *Tough* for the Swords, lately sent over by Capt. Ogilvie; that all possible means should be fall'n upon to discover the Arms, which are lodged in the Macdonald's Hands; and that the motions of such French officers, as arrive in Scotland, should be strictly observed.'



ANCIENT WHEEL UNEARTHED AT BAR HILL, JUNE, 1905



Notes and Comments

THROUGH the kindness of Mr. Whitelaw of Gartshore we are able to give here a reproduction of not the least remarkable of the many interesting relics that his excavations on the Roman station at Bar Hill have yielded. This is an ancient wheel which was (literally) unearthed in June last, along with some other finds, from a hole eight feet deep. The illustration renders detailed description unnecessary. But it may be noted that the full diameter is 2 ft. 10½ in., while the nave measures 14½ in. from end to end. Both nave and felloe are shod with iron, the nave being also bushed inside with iron, and the whole workmanship is excellent. The general style and finish suggest that it is the wheel of a chariot or a *carpentum*. The nave, probably of elm wood, and spokes, which appear to be of willow, are beautifully turned, and the inlaid ornamental iron on the end of the former is worth observing. A striking feature of the wheel is that the felloe, which is probably of ash, is formed from a single piece of wood bent: only one joint is visible, and the same grain of wood can be seen all round. The whole owes its excellent preservation to the fact that it was embedded in decayed animal and vegetable matter. A hub with fragments of spokes was found recently at Glastonbury, and there are one or two others in the museum at Homburg. But no specimen anything like so fine as the Bar Hill one would appear to have come to light anywhere else in Western Europe.

*Ancient
Roman
Wheel.*

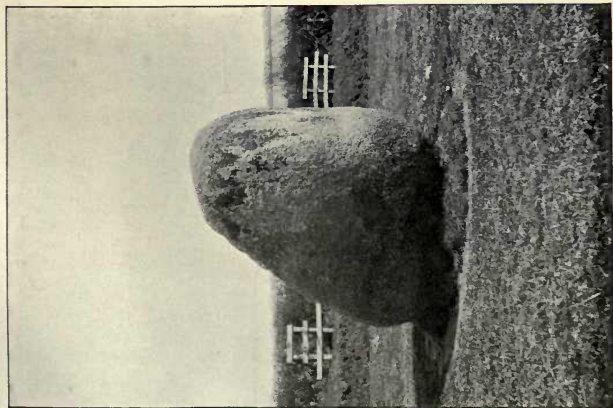
IN his translations of MacFirbis's Tract on the Fomorians and the Northmen, and of the Saga of Cellachan of Cashel,¹ Professor Alexander Bugge, of Christiania University, continues his investigation of the Norse elements in Gaelic tradition. Professor Bugge is well known as a diligent student of the problems connected with the Scandinavian settlements in Ireland in the ninth and tenth centuries. In his *Contributions to the History of the Norsemen in Ireland*, published some years back, he

*The
Norsemen
in
Ireland.*

¹ 1. *On the Fomorians and the Norsemen*, by Duaid MacFirbis: the Original Irish Text, with Translation and Notes. By Alexander Bugge, Professor in the University of Christiania. 1905. 2. *Caithreim Cellachain Caisil: The Victorious Career of Cellachan of Cashel, or the Wars between the Irishmen and the Norsemen in the Middle of the Tenth Century. The Original Irish Text, with Translation and Notes.* By the same Editor. Christiania, 1905.

may be said to have acted as pioneer in a new field of historical research. We can recall no other scholar who has united such considerable knowledge of the Gaelic literature of the subject with so intimate an acquaintance with the Viking Sagas of Norwegian literature. It is perhaps to be regretted that Professor Bugge, whose mastery of his subject from both the Scandinavian and the Gaelic standpoints is so complete, should confine himself, as he does in these publications, to the provision of materials and to what may be termed the technical side of his subject. For in some of the earlier publications we have referred to he has indicated a capacity for historical analysis which is perhaps rarer than the turn for accurate editorial scholarship which he also possesses. The latter quality is abundantly illustrated in his annotations to these translations, and no doubt the provision of accurate texts of the scanty literature available demands hearty gratitude. It is time, however, that some attempts were made to popularise the additions which have been made to knowledge in this department in the last quarter of a century. Some such space has elapsed since the publication of Charles Haliday's work on *The Scandinavian Kingdom of Dublin*, a work which, though it embraces of course only a fraction of Professor Bugge's subject, is still the best available source of information open to any but professional students regarding the Scandinavian Settlements in Ireland.

In the *Numismatic Chronicle*, 4th series, vol. v., Mr. George Macdonald, LL.D., describes in some detail the hoard of Edward pennies found at Lochmaben, as noticed in *S.H.R.*, ii., p. 182. An important result of this find, and Mr. Macdonald's studies upon it, is by a comparison of the lettering of the pennies to obtain new classification of Edwardian coinage and new principles of distinction for future opportunities. Mr. Macdonald also describes the coins found at Bar Hill (noticed *S.H.R.*, vol. i., p. 347), thirteen denarii of M. Antony, Vespasian, Domitian, Trajan, Hadrian, and M. Aurelius found in the sludge at the bottom of the well, all of pure tin. These tin coins, which can never have been made for circulation, are, it is concluded, not in the ordinary sense forgeries, but belong to a class by themselves expressly intended for votive offerings. 'So far as the Roman Empire is concerned these fragments of evidence would seem to stand alone; there is no record, for instance, of any tin coins having occurred in the huge accumulation of money discovered in Coventina's Well at Procolitia. But parallels could easily be found in other times and other countries. Archaeologists know that the objects unearthed from Greek tombs are often mere dummies, cunning imitations of the articles they are supposed to represent. And even under the sharp eyes of the priests false coins occasionally found their way into the treasuries of Greek temples. But for a really close analogy we must go to China, where coins of paper are regularly manufactured to be used as offerings by devout worshippers.' Such facts suggest interesting reflections on the unity of the human mind as exhibited in the offertory, whether in the well at Bar Hill, under Marcus Aurelius, or in the 'Charitie of the Boxe' (*S.H.R.*, ii., p. 37), which the Kirk

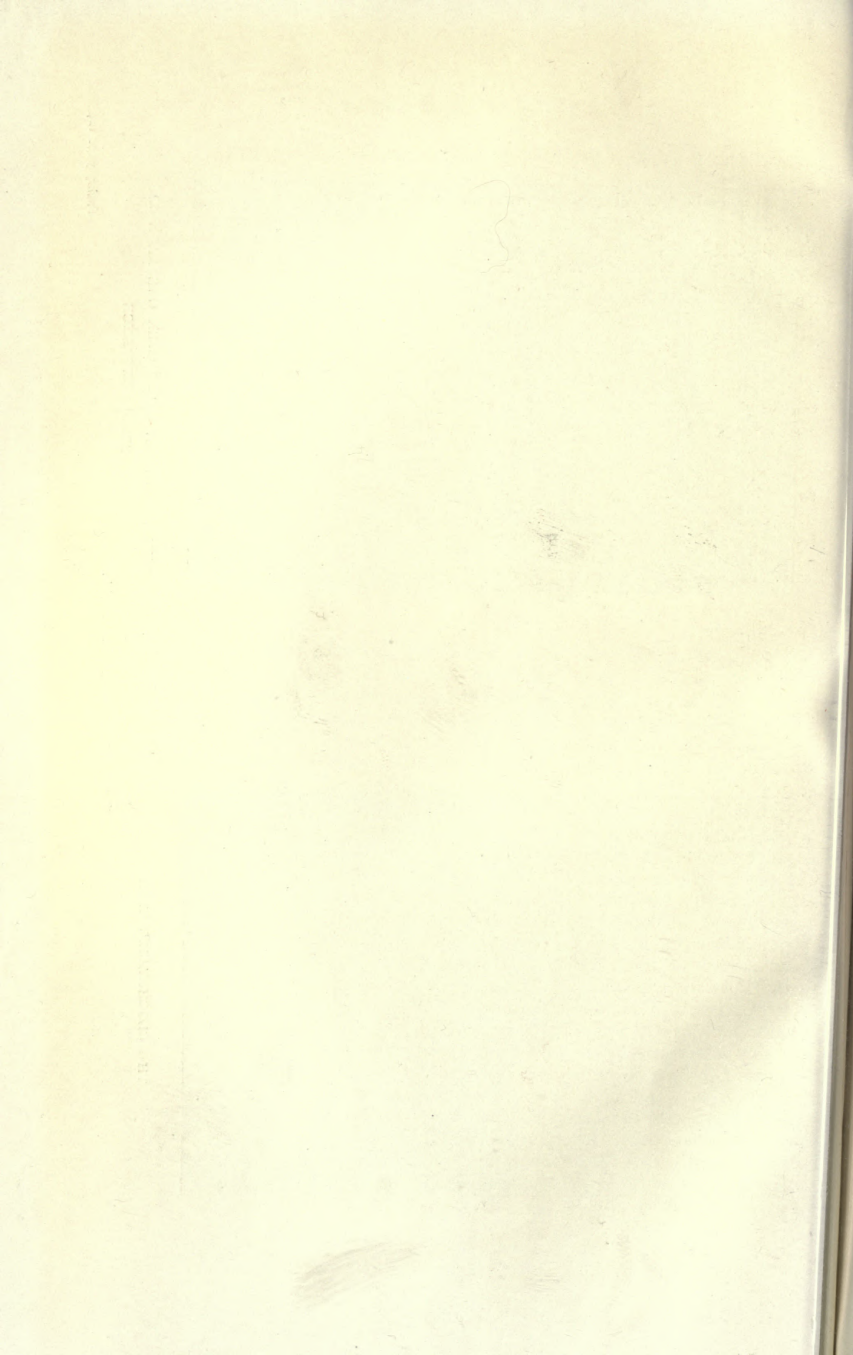


THE CLOCHMABENSTANE



THE JOHNSTONE CREST OVER GREINA HALL
FRONT ENTRANCE

From Greina Green and its Traditions



Session of Gask in 1732 found to contain so large a percentage of 'ill hapenyes.'

A GAELIC monthly is projected under the editorship of Mr. Malcolm MacFarlane, Elderslie, to be published by Mr. Eneas Mackay of Stirling. *An Deo-Ghreine (The Sunbeam)* is its title; it is to be bilingual, devoted to 'subjects of interest to the Gaelic People,' and generally designed to forward what is called the Gaelic movement. *New Periodicals.*

Another new prospective periodical is *Northern Notes and Queries*, a quarterly magazine devoted to the antiquities of Northumberland, Cumberland, Westmorland, and Durham, to be edited by Mr. H. R. Leighton of East Boldon, and published by Mr. Dodds of Newcastle.

A still more important undertaking announced is *The Modern Language Review*, a quarterly journal devoted to the study of medieval and modern literature and philology, which is to be brought out by the Cambridge University Press, beginning in October. It is to continue on a wide basis the *Modern Language Quarterly*, and is designed to encourage research in the study of modern languages. Edited by Prof. John G. Robertson, with the aid of an advisory board, which includes such names as Henry Bradley, Edward Dowden, W. P. Ker, Kuno Meyer, A. S. Napier, W. W. Skeat, and Paget Toynbee, it promises papers of a scholarly and specialist character, in which the English language and literature will receive a large share of attention. The collaboration of all interested in linguistic and literary research is invited in the prospectus.

GRETNA is a place of romantic matrimonial memories, and the little book *Gretna Green and its Traditions*, by 'Claverhouse,' with 22 illustrations (pp. 78. Paisley: Gardner. 1905), although not a very critical or strictly historical production, gossips pleasantly over the comparatively recent annals of the border parish, its succession of self-ordained 'priests' of Hymen from the late eighteenth to the opening twentieth century, and the more notable examples of weddings there, averaging at one time, it is computed, from 300 up to 700 per annum. 'Claverhouse' (self-styled 'a young author,' who is perhaps a Graham of the gentler sex) might perhaps have added to her chronicle the fact that in the eighteenth century the parish-minister was harassed by irregular marriages, not of fugitive lovers from England and other parts coming to Gretna, but of his Gretna parishioners going across the border to hedge-priests in Cumberland and Northumberland. The waifs and strays of biography and anecdote presented however form—what the writer hoped—a readable account of the marriage traffic. Some of the illustrations are excellent. Two of them we are permitted by the courtesy of the publisher to reproduce. The first is the Lochmaben stane, a border landmark so well known in the records and traditions of March Law. The other shows the arms of the Johnstones of Gretna over the entrance to Gretna Hall. *Gretna Green.*

THE excavations undertaken by the Society of Antiquaries of Scotland at Newstead, near Melrose, promise very satisfactory results, and we are obliged to Mr. James Curle, Priorwood, for a short preliminary account of the work accomplished. The site which is generally accepted as that of the Roman Station of Trimontium gives no surface indications of its ancient fortifications or buildings. Everything has been levelled by the plough, but, none the less, it has been found possible to trace its limits, and the south and east ramparts are at present being investigated. The defences have been of great strength; a large mound of impacted clay some 41 feet in width, faced with an 8 foot wall, has formed the principal defence; in front of this ran a ditch 21 feet wide by 13 feet in depth, and beyond it two subsidiary ditches. In all of these, accumulations of black sludge, full of decayed vegetable matter, indicate that they must have been open for no inconsiderable period. An interesting feature of the investigation of these defences has been the discovery under the great inner mound of an older ditch, and behind it the existence of posts has been noted, forming in all probability a stockade around a smaller earlier fort. This earlier fort has not yet been traced out, but the relation of the old ditch to the rest of the defences on the east side of the station gives every prospect that this will shortly be accomplished.

The examination of the buildings of the station began at its south-western angle, where several long barrack-like structures were traced, and a larger building, of storehouse type, all running north and south. These have now been filled in, and at present the Society is tracing the outlines of what are no doubt the chief buildings of the camp. In the angle between the south rampart and the *Via principalis* the foundations of a large house measuring about 125 feet square have been uncovered. Entering from the street a passage opened upon a wide corridor giving access to the rooms on the one side and on the other to an inner courtyard. An interesting feature of the plan is the existence of an apsed apartment projecting into the courtyard on the west side and opening upon the corridor. To the north of this house lies the buttressed building so commonly found in military stations, probably a granary. Farther north is situated the *prætorium* of the camp. The plan so far as it has been recovered closely resembles that of the *prætorium* at Housesteads. In the outer court the heavy stones which formed the bases of the columns of the ambulatory are many of them *in situ*. In the inner court their position may still be traced from their cobble bases. The chambers at the back of the inner court have not yet been excavated. Two features of the building are peculiar—first, the existence in the outer court of a small chamber about 16 feet square immediately facing the entrance; and second, the discovery on the north side of the same courtyard of a great pit which has just been cleared out. Into this pit, which at the surface is some twenty feet in diameter, there has been cast a confused mass of building material, for the most part rough hammer-dressed stones, with here and there a block showing the well-known diamond broaching. The first relic of importance was met with in cutting a trench through the

deposit near the surface. It consisted of a small fragment of an inscription bearing the letters :

IVS III
LEG X'

^

which, it has been suggested, may form a portion of a tombstone to some soldier of the Twentieth Legion. At a depth of about eight feet a number of large blocks of roughly dressed stone were discovered, some of which have no doubt served as the bases of the columns which supported the ambulatory on the north side of the courtyard, none of which are now *in situ*. On the same level human bones were met with, near them were picked up a beautifully patinated ring fibula of bronze ornamented with inlaid silver and enamel, and some small beads. Here the pit began to narrow, and at twelve feet below the surface an altar lying on its face among the black mud began to make its appearance. It was an interesting moment for the excavators when it was slowly uncovered and rolled out of the bed in which it had lain for so many centuries, and the earth washed from the inscribed surface. The letters are clearly and boldly cut and in perfect preservation :

I O M
G·ARRIVS
DOMITINVS
LEG·XX·V·V
V·S·L·L·M

Doubtless we have here a dedication by the same centurion of the Twentieth Legion, whose altar to the god Silvanus was discovered in 1830 in an adjoining field. Beneath the altar a much corroded first brass coin, of Hadrian, was found. A still more important discovery was made towards the bottom of the pit which was reached at twenty-five feet. Among a confused mass of bones, skulls of oxen, horses, and other animals, leather, and broken pieces of great amphorae, human remains were found. Near them portions of an iron cuirass, ornamented with mountings of what appears to be gilded bronze, and upwards of three hundred and fifty scales of brass, which had formed part of the armour—a find as unique as it is interesting.

The importance of the site is evident, not only from its extent, which is considerably greater than that of any station hitherto investigated in Scotland, but also from the size of the buildings, and the character of the finds which have been recovered, and it is to be hoped that the necessary support will be forthcoming to enable the Society to complete the work they have taken in hand.

AN islet close to the south shore of Bishop's Loch, near Glasgow, has recently been dug into, when its artificial character became apparent. The structure consists of layers of brushwood, many large horizontally laid oak beams and upright wooden stakes. Many of these are carefully worked by means of a metal axe. There have been found large quantities of bones and nuts, evidently food refuse, several perforated objects of shale, material containing apparently amorphous vivianite, a worked piece of a white

*The
Discovery of
a Crannog
at Bishop's
Loch.*

friable stone, probably barytes, nodules of a fine, red-coloured clay, a metal implement in a horn handle, a metal axe-head and hammer stones and anvil stones. The most valuable finds are more than 100 fragments of hand-made, thin-lipped, flat-based pottery. Several vessels appear to be represented. While other crannogs in Scotland have nearly all yielded wheel-turned pottery—mediaeval, Romano-British and Roman—the site at Bishop's Loch has so far yielded pottery fragments assignable, not improbably, to a pre-Roman period. It is, however, too early yet to venture a guess as to the chronological horizon of this newly discovered crannog, the exploration of which will be carried out in a scientific manner.

In the excavation of the Stone Circle at Garrol Wood in the Parish of *Stone Circle*. Durris (*S.H.R.* ii. 344) Mr. F. R. Coles, of the National Museum of Antiquities, discovered a small funnel-shaped pit in the centre of the circle. It was made of slabs and filled with incinerated bones; and around this were four other deposits of charcoal and bones, each constituting a separate human interment.

Justiciary
Records. JUSTICIARY Records, always a mine of historical lore, have from time to time attracted the attention of capable antiquaries. Pitcairn's collection is, of course, the monumental example. The Scottish History Society has just issued a volume covering the years from 1661 to 1669, under the editorship of Sheriff Scott-Moncrieff. The work will be reviewed in a later number; but, meantime, legal antiquaries may be glad to have notice directed to the usefulness of the historical introduction dealing with the methods of the judicial proceedings then current; nor are the Records of the Civil Tribunals of less importance. The researches of the Sheriff-Clerk of Aberdeen, Dr. David Littlejohn, in his introduction to the New Spalding Club's recent volume of Sheriff Court Records (commented upon elsewhere by Mr. Irvine) constitute a learned chapter on the institutional history of Scots Law.

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Portraits and Jewels of Mary Stuart

‘Was this the face that launched a thousand ships
And burned the topless towers of Ilium?’

asks Marlowe's Dr. Faustus, when the golden Helen rises before his gaze. ‘Was this the face,’ we ask, when we glance at the more or less authentic portraits of the Mary Stuart that women loved to look on almost as well as men; was this, as Chastelard is fabled to have said on the scaffold, ‘the fairest and most cruel Queen on earth?’ Setting aside the eighteenth or nineteenth century's imaginary likenesses, in oils, engravings, and miniatures; and looking only at the winnowed residue left by critical processes, we find scarcely any portrait of Mary, we only find three or four, that justifies her fame for beauty and witchery. Remarking the others, the solemn school girls, and wasted devotees, we fear that antiquity, with one voice, has flattered the Queen. A sense of gradual enlightenment, however, attends the reader of what has been written by recent students of Mary's portraits, from Mr. Albert Way¹ and Sir George Scharf, to Mr. Lionel Cust, Mr. J. J. Foster, and Dr. Williamson. It is our hope to add something to the results attained by these authors. The tendency of criticism is to be sceptical, wisely, when we consider the vast numbers of false portraits of Mary, backed by mythical legends about their history and origin, which decorate the walls of country houses, and are displayed at Loan Exhibitions. At these pseudo Marias recent writers have dealt many swashing blows, hitherto without destroying myth and false tradition.

¹ Sir George Scharf, *The Times*, Feb. 7, May 7, Oct. 30, Dec. 26, 1888. Albert Way, *Catalogue of Exhibition of Archaeological Institute*, 1859. Cust, *Authentic Portraits of Mary, Queen of Scots*, 1903. Foster, *True Portraiture of Mary, Queen of Scots*, 1905. Williamson, *History of Portrait Miniatures*, 1904.

There lie before me photographs of eighteen Mariess, displayed at the Glasgow International Exhibition of 1901. I do not cite their numbers in the Catalogue, or the names of the owners, except in two cases. The Duke of Devonshire kindly lent the 'Sheffield' portrait of Mary, now at Hardwick. It is dated 1578, and is signed 'P. Oudry.' This, at least, is a contemporary effort to pourtray the captive Queen in her thirty-sixth year. We shall try later to throw light upon its history, and on that of the numerous extant portraits of the same type. We have next, in the Glasgow Catalogue, five or six Mariess who never were Mary Stuart; of these most descend, in various degrees from a single false type, the 'Carleton' portrait of the Duke of Devonshire, a good painting of an unknown lady of the sixteenth century, to be described later. Another lady in a jewelled caul is also unknown, but emphatically is not Mary Stuart. Another portrait is a pretty fanciful work of the late eighteenth century,—in Stoddart's manner. Another is a round-faced nunlike person. Two others with crowns and crucifixes are apparently daubs of the early nineteenth century. There are also two posthumous 'memorial' pictures of interest, but not, of course, painted from the life. There are some miniatures, of eighteenth century origin, mostly done on ivory, which was not used by miniature painters in Mary's lifetime, nor for a century later.¹ But one of these bears the faintest resemblance to Mary in features, contour of face, colour, or expression; they are of three false types. Another miniature of about 1820, showing us a lovely lady of the Book of Beauty type, descends remotely from the Morton portrait to be discussed later. One really curious miniature, in a conical hat, we shall comment on presently.

This crowd of some fifteen hopeless effigies propagated in Scotland superstitious ideas of what the famous unhappy Queen was like, in the days of her life. Now we know, on the best possible evidence of contemporary description and of undeniably authentic contemporary portraits, what Mary Stuart was like. She in no way resembled fifteen out of the eighteen portraits exhibited for public edification at Glasgow.

Even with due allowance for three intervening centuries of revolution, it is amazing that so few genuine portraits of Queen Mary exist. They might be expected to be numerous in France, but we have, in France, only the precious drawings of 1552-1561. The Popes must have wished to see likenesses of a daughter

¹ Probert, *History of Miniature Art*, 90, 109.

of the Church, about whose steadfastness to the faith, and moral character, they entertained very different opinions in 1561-66, 1567-68, and 1570-1586. Yet we hear of no portrait or miniature in the Vatican; of none in Spain, where the Queen's friend and sister-in-law, Elizabeth of France, daughter of Henry II., was Queen.¹ Miniatures of contemporary date, we shall see, were numerous, and were given to adherents: where are they now?

Woodcut portraits circulated in England, in 1583.² A printed leaflet was then issued, in Mary's interest, with her arms, and those of her son, James VI., at the moment when a treaty for an 'Association' of the pair in the sovereignty of Scotland was being negotiated. Two doggerel verses of four lines each celebrated the virtues of Mary, and the promise of excellence in her son. Becoming aware of the existence of this pair of woodcuts, I guessed that they would be reproductions of the medallion portraits given by Lesley, Bishop of Ross (in his *De Origine, Moribus, et Rebus Gestis Scotorum*. Rome. 1578. 1675). Mr. Cust supposes the medallion of Mary, in Lesley's book, to 'have been done by an Italian artist from a miniature portrait.'³ This is very probable, but the miniature itself is unknown. Mary wears a crown over her cap and veil; her features are correctly given in all respects, the nose is long, low, and straight, and the face is thin, as in miniatures and portraits of 1572-1578. The English printed sheet of 1583 reproduces this portrait, but the portrait of James VI. is crowned, and he is older than in the medallion of 1578. I am inclined to believe that the Catholics of England owned many miniatures of Mary, during her English captivity (1568-1587) and I shall try to show that all traces of these are not lost, and that they were good though neglected likenesses. To possess them, we shall see, was dangerous, in the reign of Elizabeth.

After James VI. came to the English throne (1604), there would be no reason for concealing such portraits. Eagerly sought for, after the Restoration of 1660, and all through the Jacobite times, they were, strangely, not to be found. Charles I. had few of his grandmother's portraits, including the Brocas picture, now in the National Portrait Gallery, and the Windsor

¹ Mr. Way mentions a portrait in the Royal collection of Spain. I have inquired about it to no result.

² MSS. *Mary Queen of Scots*, vol. xii., No. 39, Record Office.

³ Cust, p. 69. Way, p. xii. It is unknown to other inquirers.

miniature. He had also versions of the *Deuil Blanc* of 1561, in oils, and 'a round piece of the Queen of Scotland,' not the Leven and Melville, to be later discussed, probably; though that may have been called 'round' by the man who appraised the lots in 1649.¹ When a king, a collector, a grandson could get so little in the way of portraits of Mary, in the half-century following her death, they must have been rare indeed, or secretly treasured by Catholic families.

It is unlikely that Mary was ever painted in Scotland, after 1561, by any capable artist, unless Jehan de Court (of whom hereafter), was with her for a year: and after 1568, in England, foreign painters would find access to her very difficult; her youth, too, was past, and 'her beauty other than it was,' as Randolph wrote of Mary, during her troubles in connection with her marriage to Darnley, in 1565. None the less, however it was managed, I incline to believe that miniatures of the Queen, and good likenesses, were executed even in 1571, 1572, and between 1582 and 1586. On this point, as the miniatures in question have scarcely received any notice from critics, I shall try to defend the faith that is in me.

There exist, even now, I think, portraits and miniatures enough to provide a pictorial history of Mary, from 1552, when she was in her tenth year, to 1584-86, the years before her death. As for her stay in Scotland, I may offer what, with good will, may be taken for an uncouth portrait of her at that period. I have seen, also, one barbaric effort of a Scots *primitif*,—Mary with her baby in her arms: it was found in a secret or walled-up chamber of Errol Castle, and must have been of 1566-67, the child being a mere *bambino*. The piece was a sample of popular imagery, and is or lately was in the possession of Mr. Vaughan Allen.

Horace Walpole has remarked 'The false portraits of Mary Queen of Scots are infinite—but there are many genuine, as may be expected of a woman who was Queen of France, Dowager of France, and Queen of Scotland!'²

Walpole might have added 'who was Queen of England, in the opinion of the great Catholic party, that regarded Elizabeth as disqualified by birth and religion.' To men of this party, Mary, a Catholic and a prisoner, was 'The Queen,' and their faith, like that of friends of the kings over the water (1688-1788), was apt to feed itself on portraits and miniatures, some of them bearing treasonable and dangerous devices.

¹ Cust, 108-109.

² Walpoliana, p. 87, 1819.

I cannot say with Walpole that there are ‘*many* genuine portraits,’ portraits painted from the life. But I conceive that not a few miniatures and portraits are pretty closely affiliated to designs from the life, perhaps to drawings in crayons, now no longer to be traced. I also hold that some portraits do more than is commonly supposed to vindicate Mary’s character for beauty, and, above all, for charm. I shall be taxed with credulity, but that is a charge which does not afflict me. In judging works of art, we ought, I think, to bring a gleam of the artistic imagination to the task ; ‘give a little red’ to the cheek from which the carmines have faded ; and restore something of the charm which the painters of the sixteenth century, in France, were incapable of rendering, as a rule. I see no reason why, when we have portraits of the same woman’s face in youth and in middle age, we should always declare that the young face is derived, by a later artist, from the withered or bloated features of the old face : is a fanciful reconstruction, the painter dipping the old effigy in the Fountain of Youth. The two portraits may be quite independent of each other : we must examine the evidence and the balance of probabilities in each case.

The public demand of the day would be for portraits of the Queen, (so interesting to all Europe,) as she was at the moment. Copies of the *latest* sketch or miniature of her would be in request. Artists would not often, if ever, be asked by adherents of Mary to compose, from designs of 1572-1586, effigies of the Queen as she was in her girlhood. This kind of demand would not arise till later ages of mere sentimental regard for Mary, and portraits done in these ages, the eighteenth and early nineteenth centuries, would readily betray their date by their style and their ignorance, as they do.

II.

One thing is historically certain : Mary was either beautiful, or she bewitched people into thinking her beautiful. This is proved, not by the eulogies of Ronsard and Brantome, a courtly poet, and a courtly chronicler, but by the unanimous verdict of friend and enemy. Even Knox calls her face ‘pleasing,’—which the authentic portraits of her face hardly ever are : even Elizabeth recognised something ‘divine’ in her hated rival ; Sir James Melville styles her ‘very loesome’ ; the populace of Edinburgh cried : ‘Heaven bless that sweet face,’ says Knox,

as she rode by, while English and French ambassadors are in the same tale. 'There is some enchantment by which men are bewitched,' and 'bewitched' more than a married man ought to be, was Ruthven by Mary, when she lay captive in Loch Leven Castle. Now of her witchery, which is incontestable, few of her accepted portraits suggest the ghost of a suspicion. Four portraits do so, and two of these, the Leven and Melville and the Morton, with the Welbeck miniature, lie in the icy shade of critical scepticism, the fourth is uncriticised. To these pictures we shall return.

What stood between the artists and her beauty? Their own limitations supply the answer: and these limitations hedged them in when they attempted the portraits of other beautiful women, as of Marguerite de Valois, the wife of Henri of Navarre. Their practice, the practice of François Clouet, called Janet, and the rest, was to make an accurate map of the features of the sitter, in a crayon sketch; often of high technical excellence, and then (apparently, as a rule, without more sittings), to paint portraits in oil, or miniatures, from the - - - maps. These paintings were as a rule, conscientiously hard; conscientiously minute were the details of dress, lace and jewels, but vivacity and charm of expression were usually lost. There are exceptions, as in Janet's Elizabeth of Austria, wife of Charles IX. of France. But M. Dimier writes that Janet 'has very little fascination, and a beauty that only reveals itself upon analysis.'¹ These painters were,—Clouet or Janet at least, was,—of Flemish origin, and had 'the German paste in their composition.'

Monsieur Henri Bouchot writes: 'In fact, the crayon sketch was the interesting part of the work of François Clouet' (Janet II. died 1572). 'He made his first sketches of his subjects in coloured crayons, because by this method a short sitting alone was necessary. . . . The painter did not receive sitters in his studio, he went to their houses, and sketched on some table corner the subject, who was in haste to know that he was finished off.'² 'A crayon sketch will be enough,' wrote Catherine de Medicis, 'to be quicker done with it.'³ These sketches, though so rapid, were elaborate (this point I must insist upon as important) in regard to the details of the jewels worn, as in the drawing of Charlotte de Beaune,

¹ *French Painting of the Sixteenth Century*, p. 206.

² Henri Bouchot, *Les Clouet*, p. 24.

³ Bouchot, *Quelques Dames du xvi. Siècle*, p. 4.

PLATE I.



BRIDAL MEDAL, 1558. MARY AND THE DAUPHIN.

See page 137.

3

THE END OF THE WORLD

Madame de Sauve. We see that she wears across her breast a belt of large jewels of gold, containing, alternately, two great round pearls, one above the other, and a large oblong dark table stone, ruby, diamond, emerald, or sapphire. Round her cap is a precisely similar belt of jewels. We shall find Queen Mary, in the Leven and Melville portrait, wearing a similar set of jewels, which we know that she possessed in 1556. The settings, in enamel, are, however, different, the stones are rubies, with a diamond in the centre. Elizabeth of France (1545-1568), the young bride of Philip II. of Spain, wears a similar set of jewels (with a different setting) in the beautiful portrait, on panel, at Greystoke Castle, Cumberland, and again, in a miniature in which she appears several years older than fourteen, as she was in 1559. In another crayon drawing of Elizabeth, she wears a table stone in the centre of her necklet, the rest is composed of alternate double pearls, as before, and of roses in enamel.¹ Again, in a miniature in the Book of House of Catherine de Medicis, Elizabeth wears a necklet of table stones, alternating with jewels of four great pearls, two above two.²

The jewels of subjects are thus minutely studied in the crayon sketches of 1550-1580.

Another example is the sketch of the Duchesse de Retz, probably by François Clouet; her double chain of gold links, table stones and jewels of two pearls set side by side, not one above the other, is very elaborately drawn.³ This is, indeed, the universal rule for the crayon drawings, which were merely elaborated with some loss of grace and life, as a rule, in the paintings in oil, copied from them. When the Inventories of Queen Elizabeth, now being edited for the Roxburghe Club, are compared with her portraits, I doubt not that the jewels described will be found accurately represented.

These remarks are here introduced because our identification of one portrait of Mary rests much on the identification of the jewels recorded in her Inventories; and criticism, as a rule, has neglected this method of comparison.

We have described the methods of artists who designed Mary in France, mainly between 1558, when, before she was sixteen, she married the Dauphin, and 1561, when, as his widow, she returned

¹ Bouchot, *Quelques Dames*, p. 20.

² Bouchot, *Catherine de Medicis*.

³ Bouchot, *Les Clouet*, p. 28.

to Scotland. In Scotland, at least in 1566-67, she had in her list of *valets de chambre*, a French painter in her pay, Jehan de Court,¹ who later was a court painter to Charles IX. of France, and his brother and successor, Henri III. (1572-158-?). The history of Jehan Court, de Court, or Decourt is obscure. 'It is not absolutely certain,' writes M. Dimier, 'that this painter is the same as one who signed that name to an enamel representing Madame Marguerite, Duchess of Savoy, as Minerva, in the Wallace Collection. The enamel dates from 1555. The name of Jean Decourt is familiar to all amateurs of enamel. The pieces of this date, marked I. D. C. or I. C., are all ascribed to him.' At the Glasgow Exhibition of 1901, Lord Malcolm of Poltalloch exhibited an object which had been in the Pourtales collection, an enamel tazza, by Jehan Court, *dit* Vigier, 'bearing the arms of Mary, Queen of Scots, surmounted by the crown of the Dauphin.'² Mary was Dauphine from April, 1558, to July, 1559. She seems to have patronised Jehan de Court in France; and in her household list (*Etat*) of 1566-67, she pays to 'Jehan de Court, peintre,' two hundred and forty pounds (*livres tournois*). Her favourite and loyal secretary, Raulet, receives only 200 *livres*, as does her secretary Joseph Riccio, brother of the murdered David Riccio. In France at this date the famous Court portrait painter, François Clouet, or Janet, had a salary of 240 *livres*.³

When Mary went to France, at about the age of six, she was met by her maternal grandmother, the Duchesse de Guise, who describes her thus: 'She is *brune*, with a clear complexion, and I think that she will be a beautiful girl, for her complexion is fine and clear, the skin white, the lower part of the face very pretty, the eyes are small and rather deep set, the face rather long, she is graceful and not shy, on the whole we may well be contented with her.'⁴ The description remained true in the Queen's womanhood, to the confusion of all her round-faced, large-eyed 'portraits,' things fabricated in the eighteenth century.

Setting aside the coins of Mary's childhood, the earliest portrait of her is a sketch in red and black chalk, at Chantilly. The inscription, in contemporary spelling and handwriting, runs,

¹ See Teulet, *Relations Politiques*, vol. ii., p. 273, 1862.

² *Catalogue, Scottish History and Archaeology*, p. 48, No. 352.

³ Teulet, *Relations Politiques*, ii., p. 273, Paris, 1862. Dimier, *French Painting in the Sixteenth Century*, pp. 238, 240.

⁴ Cust, p. 20.

PLATE II.



MARY AS DAUPHINE, 1559.

After Crayon Sketch by Clouet or Jehan de Court.

See page 137.

1871

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being translated, 'Mary, Queen of Scotland, at the age of nine years and six months, in the month of July 1552.' Nobody of importance appears to deny the authenticity of this portrait.¹ M. Bouchot quotes, in this reference, a letter of Catherine de Medicis of June 1, 1552, asking for portraits of her children, and of Mary.² The face is seen in three quarters; on the head is a laced and jewelled cap; a ruff surrounds the throat; the bodice is long and tightly laced, the sleeves are puffed at the shoulders: the jewels, mainly pearls, are not so designed as to be identifiable with descriptions in the Queen's Inventories. The forehead is high; of the hair, flat and divided down the middle, not much is visible. There is a wide space between the very slender eyebrows. The nose is straight and low, it shows no tendency to rise in the centre, though it cannot be called *retroussé*. The chin is dainty, and, for so young a girl, the face is unusually long. The eyes look larger, or at least more fully open than in later portraits: the expression is honest and candid.

From a profile on a medal, struck for her first wedding in April, 1558, when she was not sixteen, we know that the Queen's brow was lofty, as then was fashionable. Her nose was long, and nearly straight, slightly drooping from the tip. Her upper lip was short, her mouth was small, her chin prettily rounded, the face ending in a pleasant oval. The tiny profile of Mary, watching by the death-bed of Henri II. (1559), in a woodcut, entirely corroborates the medal.³ The expression is very serious, as usual: she had enough to make her serious, even in 1558.

The coloured crayon drawing, of 1558-1559, in the Bibliothèque Nationale (printed in colours by Mr. Foster), elaborately confirms all these facts. The piece is attributed to Janet, but M. Dimier now classes it with the work of 'the presumed de Court,' the painter of a portrait of Henri III., in 1573.⁴ The Queen's hair, in girlhood, is of a reddish brown, crimped. Her eyebrows, thin, but arched and delicately pencilled, do not closely approach each other. Her eyes, long and narrow, are of a reddish brown; her nose, long and low; her mouth and chin are as in the medal. I lay stress on the long, low, straight nose, which occurs in every truly authentic portrait, to the last days of Mary's life. The face has not the sly or foxy expression: Mary

¹ Ascribed to Mahier by M. E. Moreau-Nelaton. *Les Mahier*, Paris, 1901.

² Laferrière, *Collection des Documents Inédits*, 1552.

³ Cust, Plate vii.

⁴ Letter of M. Dimier, March 26, 1905.

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was not yet a tracked and hunted creature, but a candid girl. It is a pretty face, but the bald expanse of brow adds to the lifeless effect. Nobody could guess that this girl, so prim and staid, was a creature of infinitely changeful moods, flashing readily from laughter to tears. Yet that is what she undeniably was or became. There is just a hint that she might be merry, in a rather coarsely executed miniature of a rather plump Mary with her boy-husband, the Dauphin, which once decorated a *Book of Hours* used by the devout Catherine de Medicis.¹ Finally, we know that Mary's complexion was of a dazzling pallor: Brantome attests this, and it was especially notable when she wore white mourning, '*le deuil blanc*' in her first widowhood, in the winter of 1560-61. In the South Kensington Museum is an excellent small head of Mary on panel, of about 1559, in 1804 the property of the great antiquary, Francis Douce. I believe it to be a contemporary work.

The most elaborate miniature of Mary, at this period, is that in the Royal Library at Windsor, published in colours by Sir John Skelton, in his *Mary Stuart*. In the miniature, the Queen wears, as in the chalk drawing, the *natte*, or braid of hair, crowning the head, and bordered by coils of pearls. The ruff is not the small ruff of the drawing by Jehan de Court, (?) but an open white-lined collar, turning outwards, akin to the same article in the 'false portrait' later to be described as the 'Carleton.' The dress in the miniature is much of the same rich fashion, with sleeves puffed up at the shoulders, as in the Carleton, but less elaborately decorated. While the features are those of the drawing by Jehan de Court, (?) the grave girlish expression is lost: the eyes are much more narrow, the air of youth and candour is gone: this Mary may be an astute diplomatist, but is not an attractive bride as she fingers her wedding ring. One cannot certainly assign the miniature to the artist of the drawing. As Mr. Cust observes, the miniature attributed to Janet in the catalogue of Charles I. may be the picture brought from France to Elizabeth, in 1560-61, and also that seen by Sir James Melville (1564) in the possession of the English Queen. 'Lovesome' it is not, and, indeed, was calculated to remove any jealousy of Mary's attractions which Elizabeth might have conceived. Mr. Graves, in his account of Nicholas Hilliard, the famous miniaturist (*Dictionary of National Biography*), says that he executed a miniature of Mary in 1560. No authority is given for the statement, and all miniatures on a

¹ Given in M. Bouchot's *Catherine de Medicis*.

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PLATE III.



MARY IN 1559-1560.

Contemporary Panel in Jones Collection.

Another example not retouched is in the possession of Captain Probert.

See page 138.

THE [illegible] [illegible]

[illegible] 1861

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THE [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

blue ground, like this one, are not by Hilliard. Without going to France, however, he might copy a drawing sent from France. Whoever was the artist, the work is contemporary, though probably not done from the life, and utterly deficient in charm. For charm, and a beautiful carriage of the head and poise of body, we must go to a charming wax medallion of Mary, in the Breslau Museum. Our authors have overlooked this treasure, which is published by M. Bapst, in his valuable *Joyaux de la Couronne de France* (p. 92).

Another portrait of Mary before 1561, a miniature of her at about the age of seventeen or eighteen (1559-1560), is full of interest. One example is in the Uffizi at Florence; it is surrounded by likenesses of Henri II., Catherine de Medicis and their family. Mary wears 'a rich black dress, slashed with white, and a black hat or *bonnet à l'Italienne*, with diamond (pearl?) ornaments and white feather.'¹

The features and colouring, the dark narrow eyes, the long, rather low nose, long face, high brow, and pretty oval lower part of the face, are all here. But the eyes do not appear to be well drawn, and the expression, rather *espiègle*, is unpleasing. Dr. Williamson, however, has noted a variant of this miniature in the Rijks Museum at Amsterdam, which is a delightful likeness.² The Queen wears white, which always became her: her hat is white, with a white plume, and three rows of pearls; her dress, also white, is set with large pearls, and this is the earliest portrait of her which justifies Sir James Melville's phrase 'our Queen is very loesome.' The expression, though rather grave, is singularly winning; with this and the Leven and Melville portrait, a man can understand the charm of the most charming of royal ladies. This miniature gives just what the coloured sketch attributed by M. Dimier to 'the presumed Jehan de Court' misses. The face in that drawing might be, nay, it is pretty, it has all the elements of beauty; the Rijks Museum miniature has 'the little more, and how much it is.'

To this miniature I would venture to add the lady in a symphony in cream and milk,—delicate garments, ivory white, lawn white, and ermine,—which is in the collection of the Duke of Portland. Even the strange coal-scuttle shaped white hood becomes this beauty, who holds in her hand a Book of Hours, and whose portrait is inscribed *Virtutis Amore*, while she looks

¹ Cust, 39, 40.

² Williamson, *History of Portrait Miniatures*, Plate xlvii., No. 9.

thoroughly mundane, and very fond of dress. Dr. Williamson thinks it is probably some French princess unknown, but it resembles none of them so much as 'the flower of fair Scotland' — the eyes, in the photograph given by Dr. Williamson are dark enough to be hers. The eyes are grey, while Mary's eyes were of a reddish brown. 'The eyes in certain aspects assumed probably the appearance of being grey rather than brown,' says Mr. Way.¹ On the back of the frame is 'Mary, Q. of Scots,' in the handwriting of Edward Harley, Earl of Oxford, a distinguished collector. In what seems to be the hand of Bernard Lens (the artist of the eighteenth century) is 'Nich^s. Hilliard fecit.' Lens's security is no better than Bardolph's; but Oxford's is a better opinion.

Dr. Williamson, who alone remarks on this miniature, has not observed that the inscription *Virtutis Amore* is certainly an anagram. Anagrams were much in fashion, one anagram of Mary's name was *Sa Vertu m'attire*. The letter U was equivalent to V, and, in *Sa Vertu m'attire*, there is one V or U too many, and there are three letters more than in Marie Stuart. But they are all letters which occur in 'Marie Stuart,' and that was reckoned fair play in the game of anagram making. In *Virtutis Amore* there is a superfluous u. There are two letters too many, in *Virtutis Amore*, for 'Marie Stuart,' and one letter is an o. But it was usual in France to spell our Scots names phonetically, and the o makes the surname *Stouart*, as it was pronounced, the ou sounding as in French *couard*, like our oo. This is no mere conjecture. At the sale of Mr. Scott of Halkhill, in March 1905, £101 was paid for Haden's 'Discours de la Mort de Marie Stouard.' The French anagram is better evidence than a plain inscription, for sceptics would say that the inscription was added late, by Harley.

Mary had another anagram, *Veritas Armata*. On the broideries of a bed, worked for her or by her, in captivity, *Veritas Armata* was inscribed above a picture of herself, kneeling before a crucifix. *Sa Vertu m'attire* referred to the attraction of the Pole for the magnet. Drummond of Hawthornden described this bed with the emblems and anagrams to Ben Jonson in a letter of July 1, 1617. The bed was then at Pinkie House, near Musselburgh, the property of the House of Douglas. It cannot be by mere accident that the inscription of the Welbeck portrait yields an anagram of Mary's name, and

¹Way, xxiv.

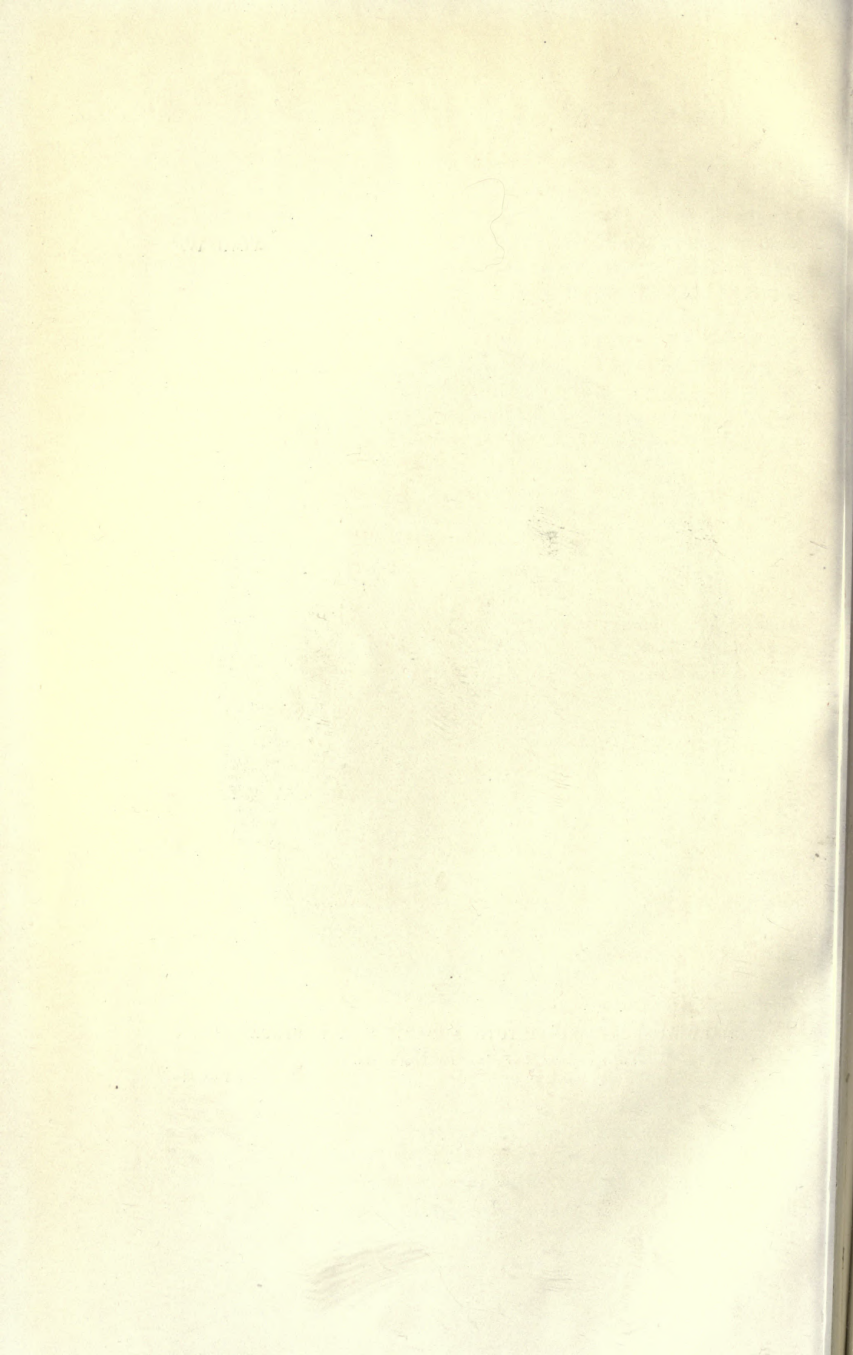
PLATE IV.



MARY WITH MOTTO, "VIRTUTIS AMORE:" "MARIE STOUART."

Enlarged from the Duke of Portland's Miniature.

See page 140.



I think this quite good evidence that the Duke of Portland's miniature actually does represent the Queen of Scots, when Queen or Dauphine of France (1558-1560). At Ham House is a very curious late sixteenth century miniature of a dark young Frenchman. The background is painted *in flames*, and the motto is *Alget qui non ardet*, 'he freezes who does not burn.' This yields the anagram, 'Algernon de Tiquet,' and there was a French family named Tiquet. Of Algernon I know nothing.

The celebrated drawing, ascribed to Janet, of Mary when widowed, in white weed (1561), shows her face as fuller than it had been: indeed she looks much older than her age, which was about eighteen: the expression is both sly and heavy. Comparing it with a portrait said to have been done for Charles I., by Daniel Mytens, before 1639, we might conjecture that the later artist has taken the dress and attitude from the Sheffield portrait, to be criticised presently (dated 1578, and signed 'P. Oudry,'), but has 'compiled' the face by slightly ageing that of Mary as seen in *le deuil blanc* of 1561. In the work attributed to Mytens, indeed, the face is hardly older than it looks in the *deuil blanc*, and wears a more amiable expression: yet there must be seventeen years between the Mary of *le deuil blanc* and the Mary of 1578. In all probability this 'compilation' attributed to Mytens, fifty years or so after the Queen's death, is really a better likeness than the Sheffield portrait of 1578, to which we return.

Having now a clear conception of Mary's features and complexion, and, thanks to the Rijks Museum miniature, some idea of her vivacity and charm, we omit for the present, as subject to dispute, all portraits alleged to represent her between the date of her return to Scotland (1561) and the date 1572, and we postpone discussion of the Leven and Melville portrait; in my opinion probably of 1558-1560.

III.

The year 1572 saw Mary in the deeps of misfortune. In August, 1571, the Ridolfi conspiracy for her release, and marriage to the Duke of Norfolk, with whatever consequences might follow for Elizabeth and the Protestant religion, was discovered. Norfolk was arrested, and after long delays was executed in 1572. Every argument was used to induce Elizabeth to put her captive, Mary, to death. Puritan and prelate alike clamoured

for the laying of the axe to the root, while the Bartholomew massacre of August, 1572, increased the terrors and the fury of the Protestants. An intrigue for handing Mary over to the Regent Mar, for execution in Scotland, was begun, but was foiled by the death of Mar, and the caution of his successor, the Regent Morton. These sufferings had, not improbably, their effect in portraits of Mary, perhaps to be called 'popular imagery,' for distribution among Catholics, but still portraits of a sort. A miniature, copied, I think, from one of this period was among the effigies exhibited at Glasgow in 1901. It is the property of Mrs. Anstruther-Duncan. Being 'on ivory,' it cannot be contemporary with the Queen, and is at least a century later. This miniature, whatever its source, is an undeniably good likeness of the Queen, with dark eyes, the long low straight nose, the eyebrows wide apart, and the delicate oval of the lower part of the face. All the features are thus correctly given, the expression is very far from the saintly, and the face is younger than in any of the pictures of the Sheffield type (1578). The Queen wears a conical cap, coming to a sharp point from a broad base, it is edged and striped with black. There is a white lining, marking off the hair, which is puffed out at the sides. She wears a small white open collar, lawn across the upper part of the breast, and a black dress, gathered in closely at the slender waist. One hand holds a crucifix; the other a small book, perhaps a book of devotion. Little linen cuffs are at the wrists, as in the Morton portrait. She wears a necklet of pearls falling as low as the breast, a cross is pendant thence. A table with a rich cover, and a crown and sceptre, is at her right side: on the left is a crown above a scutcheon, surrounded by the Garter, in the scutcheon two of the quarters appear to be erased. In this miniature I think we see Mary represented as the suffering Catholic captive, and rightful Queen.

Mary, in 1572, was but thirty years of age, and (in this miniature) was still a very handsome woman. There is no doubt that the face is much younger than in portraits of 1578.

I am inclined to think that the date 1572 is probable (*for the original of this work*) for the following reason. Lord Leven and Melville possesses a very interesting variant of the miniature. The face has suffered somewhat from time, but the black dress, in this case richly embroidered in a pattern of gold, shows well against the blue ultramarine of

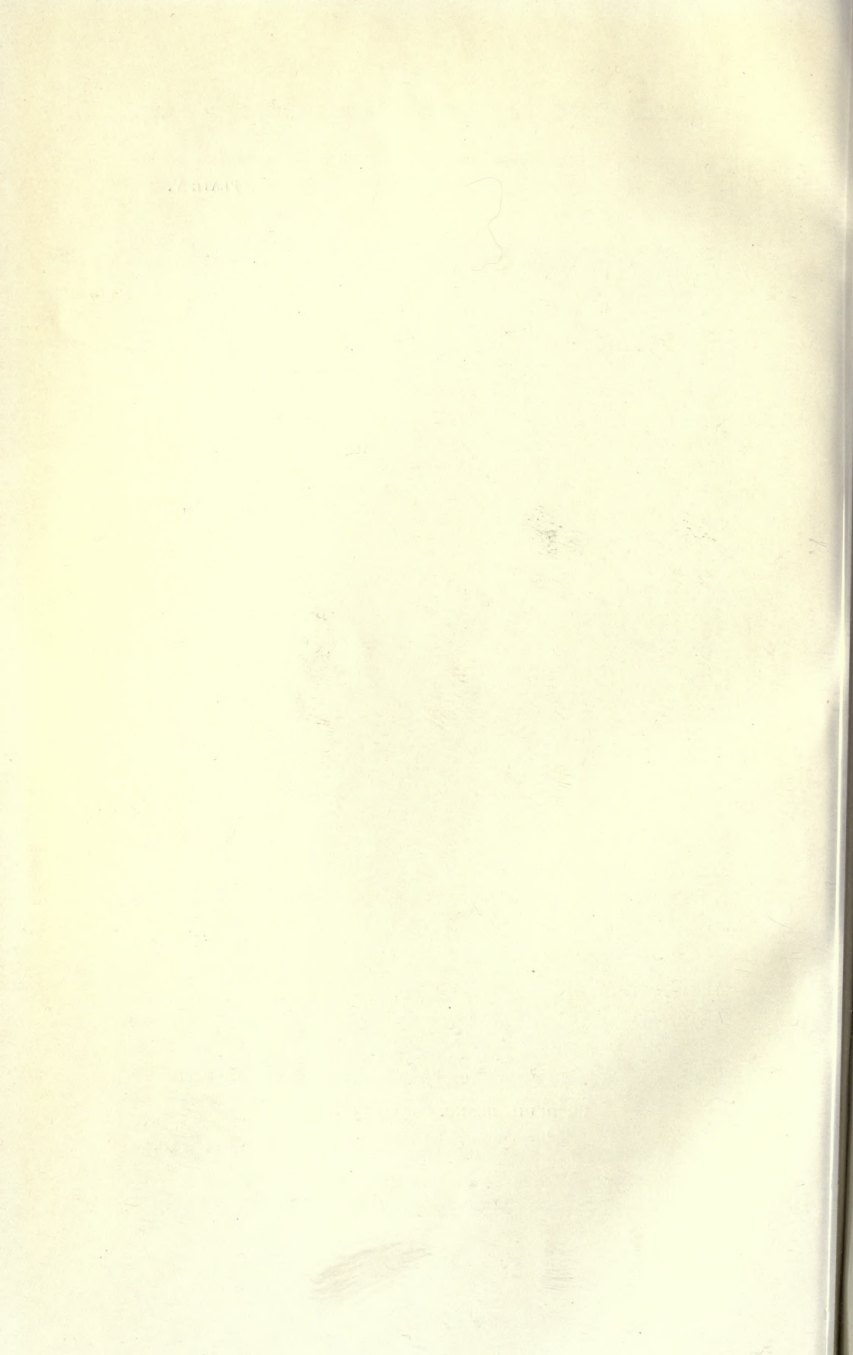
PLATE V.



LE DEUIL BLANC. 1560-1561.

After Crayon Sketch by Clouet.

See page 141.



the ground. The cap is the same as in the miniature. The hand holds a crucifix. The inscription, in letters of gold, is 'Maria Stuart. Anno 30,' which marks the year as 1572. The shield, under a crown, and surrounded by the Garter, contains the Lyon of Scotland, twice, the Harp of Ireland, and in the fourth quarter, the Lilies of France and the Leopards of England. Thus reminiscent of Mary's fatal claim to the English arms and crown, the miniature has clearly been so marked, or the original from which it was derived was so marked (of whatever period the inscription may be), to please a Catholic adherent or admirer.

Mr. Foster has shown me a photograph of a third miniature of this type, picked up at Heidelberg by a member of the Powis family. All three miniatures are of a distinctly political and religious purpose. They represent the claims of the rightful Catholic Queen. They imitate closely the miniature style of Hilliard, and I can form no more probable hypothesis than that they were copied from a seventeenth century original for English Catholic Jacobites of the eighteenth century.

English Catholics of 1572-87 may have had plenty of these miniatures. In 1575 Thomas Corker writes to Walsingham, respecting Richard Bacon, a prisoner in the Fleet, who had stated that one Weston 'had a picture of the Scottish Queen in his chamber.'¹ Corker was a spy, apparently; in 1569 he brought false charges against another gentleman.² I quote the spy's letter in full:

THOMAS CORKER TO WALSINGHAM.

Ryght honorable my humble dutye Remembred, the proffesy I have agaynst Weston ys y^t one Richarde Bacon prysoner in the Flete desyringe the sayd Weston to borowe money of a lease whiche money fyrst beyng graunted by hym and after that denyed, the sayd Bacon theruppon conceyving vnkyndnesse tolde hym that he wolde vtter matter agaynst hym and hys felowes to theyre shame which Weston bad hym doe yf hys consyence wold serve hym therto; those wordes I overhearynge and after talkyng with him for the same he fully confessed, wyllinge me to vtter the same, promysyng to affyrme and prove the same at anye tyme when he shoulde be called. *He tolde me also y^t the sayd Weston had the Scottysse queenes pycture in his chamber which he keppe w^t greate Reverence and shewed hym the same w^t greate Reioycenge,* and thys ys also most certayne y^t none was greater w^t Weston than thys Bacon, and further the sayd Bacon tolde me how unkyndlye he had deale w^t hym consyderynge what he had done for soche in tyme of hys prosperytye

¹ MS. Record Office, *Mary Queen of Scots*, vol. x., No. 47.

² MSS. *Mary Queen of Scots*, vol. iii., No. 96.

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to hys greate cost. And thus havynge satysfied yo^r honours Request in what I do so sodenlye Remember and cravinge pardon for my Rude wrytynge I humblye take my leave this vijth of Maye Anno 1575.

Yo^r honours most

humble and daylye oratour

THOMAS CORKER.

Addressed :—To the ryght honorable M^r. Secretarye Walsingham one of her Ma^{ties} most honorable pryvy councell.

The source of this type of 1572 we cannot discover, but there is no doubt that Mrs. Anstruther-Duncan's miniature contains an excellent likeness of Mary, as a captive, at about the age of thirty. This work appears to have escaped the authors who have investigated the portraits of the Queen.

It must be observed that I am not claiming contemporaneity for any of these three curious miniatures which profess to represent Mary at the age of thirty, namely in 1572. Their existence is a puzzle. We know that early in the eighteenth century, a miniature, perhaps a genuine miniature of Mary, was destroyed by the Duke of Hamilton, who was slain by Lord Mohun. The Duke handed over this relic to a painter named Crosse, to be 'made as beautiful as he could,' and the result was merely farcical. The early eighteenth century was helpless in the archaeology of the sixteenth century. I cannot believe that painters of 1680-1800 could possibly invent or furbish up out of genuine sources such a Mary as we see in the Leven and Melville portrait and the miniatures of 1572. Artists would do something which they thought beautiful, like L. Crosse. Much later, in 1819-20, Hilton and others, with the splendid Morton portrait of Mary before their eyes, merely made pretty sentimental parodies of it, in place of accurate copies. Again, eighteenth century artists, being nothing less than historians, would not remember that, in 1572, Mary was the Queen of England, in the eyes of her party, and would not dream of decorating her likeness with the English Royal arms, those of Scotland, and the Garter. They had not the necessary knowledge. Granting then that these three miniatures, claiming to be of 1572, are late productions, emulating the style of Hilliard and his contemporaries, I am led, I repeat, to regard them, not as archaeological counterfeits, but as copies of sixteenth century miniatures of Mary, in the early years of her English captivity.

We must not attribute to eighteenth century artists a taste and genius for such relatively accurate archaeological forgeries as these three miniatures would be. They are more like close copies of once extant popular imagery of Mary's own period.

IV.

We now come to a life-size portrait of Mary, dated 1578. This is the Sheffield portrait, in the possession of the Duke of Devonshire, at Hardwick.

The Duke's family, descending from 'Bess of Hardwick,' Countess of Shrewsbury, the jealous wife of Mary's gaoler, the Earl of Shrewsbury, may have inherited the Sheffield portrait from the Countess. A picture of Mary, as Mr. Cust kindly informs me, is named among those which the Countess bequeathed in her will (MS.) of April, 1601. However, I think that the picture, or at least the Latin inscription on it, was not made, or copied, for the heretic Countess, but for Catholic sympathisers with Mary. The inscription, in bad Latin, has clearly been copied erroneously, as Mr. Cust has remarked, from the correct Latin of the inscription as given on another portrait of this period, now in the National Gallery of Portraits. The painter of the Sheffield piece, Oudry, may have been given an inscription to copy, but, like an ignorant lapidary cutting a tombstone, he has copied it wrongly. The words on his picture are MARIA, D. G. SCOTIAE PISSIMA REGINA. FRANCIAE DOWERIA (for DOTARIA), ANNO REGNI (*que* omitted), 36 ANGLICAE CAPTIVAE (error for CAPTIVIT.) 10 S.H. 1578. Some other copies follow the latinity of the uninstructed P. Oudry. The correct inscription is on the painfully 'restored' Brocas portrait in the National Portrait Gallery.

The inscription, being interpreted, is by no means one that the Countess of Shrewsbury could have ordered to be inserted. It runs 'Mary, by the Grace of God Most Pious Queen of Scotland, Dowager of France, In the Year of her Age and Reign, 36, of her English Captivity, 10. S.H. 1578.'¹

To the Countess, Mary was probably neither 'most pious,' nor (when they were on bad terms) 'Queen of Scotland.' The rosary which she wears, the enamelled crucifix, and the cross with the device *Angustiae Undique* ('Straits of peril on every hand'), would

¹ S.H.—*Salutis Humanæ*, year of grace, 1578. I owe the interpretation to Mr. Cust.

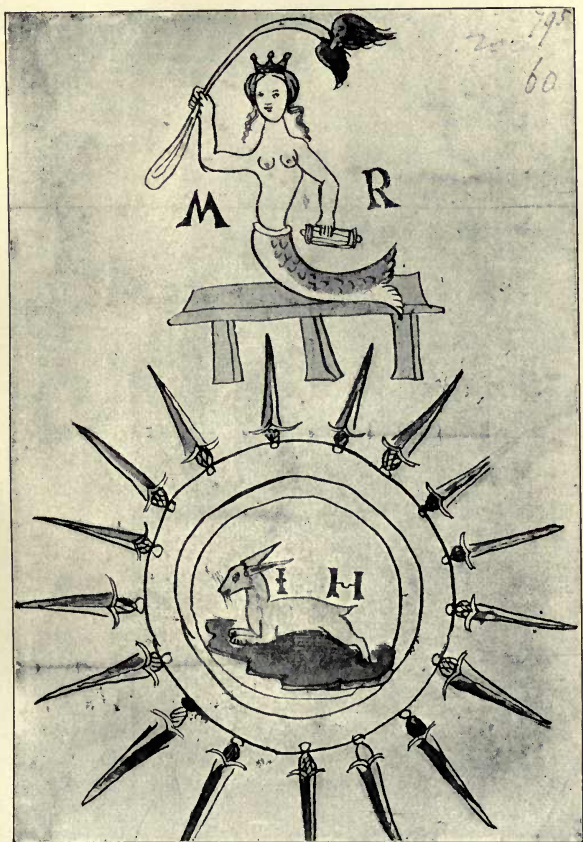
all be distasteful to the Protestant Countess of Shrewsbury. The Sheffield picture, then, must have been executed for, or at least by a Catholic sympathiser, and, as far as the inscription goes, must have been badly copied from some other work. The Countess possessed portraits of Mary's father and mother, James V. and Mary of Guise. These must have been relics of her husband's prisoner, how acquired by Lady Shrewsbury we do not know. The portrait of Queen Mary may have been a gift, or may have been left behind when the Queen was moved from Sheffield in 1584.

Turning to Mary's personal history, and taking the dates 1577-78, we know that, in August, 1577, a painter was at work on her portrait. He would finish it before 1578, the date when P. Oudry signed the Sheffield portrait. On August 31, 1577, Mary wrote from Sheffield to Archbishop Beaton, her ambassador at the Court of France. She discussed proposals made to her ambassador, through Lord Ogilvy, by the Earl of Morton. The position of the Earl, one of Mary's bitterest enemies, was then perilous. When James VI. came to years of discretion (in 1577 he was eleven), the Regent would be attacked by his countless enemies, and he had a vulnerable point, he was known to have been more or less connected with, or guiltily aware beforehand of the murder of Darnley: this finally brought him to the block, in 1581. In 1576, 1577, he was trying to make friends with Mary; he spoke 'reverently' of her; desired her restoration if James VI. died; and actually offered to give back such of her valuable jewels as were in his hands. If granted an amnesty by Mary, he would labour for her restoration. Beaton had news of this in April, 1577, from Ogilvy, and secretly sent the tidings to Mary.¹ On August 31, 1577, she writes to Beaton that she fears a trap in Morton's offers, but bids Beaton keep him in hand, as his apprehensions for his own safety may possibly make him genuine in his declarations. Beaton is to give him hopes and assistance, and ask for the jewels, or an inventory of them, and for written assurances.

Unluckily we have not Beaton's letters to Mary. Did he ask for her portrait, as a token of her favour to be given to Morton? We do not know: but her secretary, Nau, adds to her letter of August 31, a postscript; 'I thought to have accompanied this letter with a portrait of her Majesty, but the painter has not been able to finish it in time; it will go by the next.'

¹ Hosack, *Queen Mary*, vol. ii., Appendix of letters.

PLATE VI.



CONTEMPORARY CARICATURE. MARY AS A MERMAID.

1567.

See page 152.

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CONTINUITY OF THE LINE

100

The portrait, then, was nearly finished in August, 1577, but who was the painter?

Had Mary then a painter in her household? In her MS. *Etat*, or list of pensioners and servants, drawn up on July 31, 1573 (now in the library of the Society of the Inner Temple), we find, among her *Valets de Chambre*, 'Jehan de Court,' who was entered in her list as her painter and *valet de chambre* in Scotland, in 1566. Like Gilbert Curle (a gentleman) and Bastien Pages, he now receives, VIII. XX. *livres tournois* as wages: in 1566 he received CC. XL. It is surprising to find him so late as 1572-1573 in Mary's service, and his wages must be arrears of pension due for 1572. M. Feuillet de Conches, in *Causeries d'un Curieux* (vol. iv., p. 434), says that Jehan was with Mary in captivity till September, 1571, when Cecil dismissed him. If this be so, the miniatures of 1572 may be after a portrait by Jehan de Court. But the letters of September 1571 only give the names of the servants who remained with Mary, not of those who departed. I feel no certainty that Jehan de Court was ever actually in Scotland with Mary. True, his name is on her Household list of Feb. 3, 1566-67, and he receives the same salary as Clouet, called Janet, then received from the French King. But a study of Mary's Household list of 1573 proves that, even when a captive and in sore straits for money to support her cause in Scotland, she was paying *gages* (wages) to many old retainers who were in France. It is quite in accordance with her generous nature to have gone on paying to Jehan de Court, in France, in 1566, the full rate of salary of a Court painter, merely as a tribute to his art. In 1573 she could do so no longer, but she paid him, even then, as pension, the wages of a *valet de chambre*.

Again, we know that in France Clouet was employed to paint not only portraits, but banners and coats-of-arms.¹ Now, on consulting the MS. Treasurer's Accounts of 1566, for Scotland, I find Darnley employing not Jehan, but Walter Binning, to paint his and the French King's arms, when he received the Order of St. Michel. (In January, 1565-66. Payment made on June 14.)² Binning in 1558-1561, was engaged to do the paintings for the feasts on Mary's wedding, and on her State entry into Edinburgh. I naturally examined the Treasurer's Accounts for the painting and decoration done at Stirling, at the Baptism of James VI., in

¹ Dimier, *French Painting in the Sixteenth Century*, pp. 202, 203.

² Treasurers' Accounts, MS., June, 1566.

December, 1566. Money was paid for colours and gold, but there is no record of payment to the artist who used them. He *may* have been Jehan de Court, paid out of Mary's own dowry. In December, 1567, Binning was paid eight pounds for painting sixteen coats-of-arms. Mary was then a prisoner in Loch Leven Castle. The Binnings were an old family, retainers of the Douglasses since the thirteenth century, one of them was with Archibald Douglas at Darnley's murder.

Jehan de Court may have been with the Queen in 1566, may even have come over in January with Clerneau who brought the Order for Darnley, but he did not paint Darnley's arms as Clouet painted arms in Paris. It is, therefore, still an open question whether Jehan de Court was actually in Scotland or not in 1566. Certainly de Court was not with Mary at Sheffield, in 1572-73, though he appears then in her list of *valets de chambre*. In the autumn of 1572 he succeeded Clouet, recently dead, as a French Court painter, and in 1573 M. Dimier inclines to regard him as the painter of a portrait of the future Henri III., which has usually been taken for the King's younger brother, the Duc d'Alençon.

Again, as in January, 1575, Mary wrote to Paris asking Beaton to send her thence four miniatures of herself, set in gold, for English friends,¹ Jehan de Court can no longer have been in her service in 1575, but had returned to France by that date. We do not know, then, what artist, English or French, good or bad, painted Mary at Sheffield in 1577. Mr. Cust suggests that only a miniature, not a full length, which it would be difficult to send to Paris, was done in that year. But Mary sends to Paris for a bed (a present for Shrewsbury) and for large chandeliers: her French Chancellor of her Dowry estates was allowed to come and stay with her for months, and there would be no difficulty, I think, either about the presence of a French painter, in August, 1577 (he may have accompanied the French Chancellor of Mary's dower estates, who then was with her at Sheffield), or as to sending even a large picture from Sheffield to France. A bed for Mary was sent from France in 1579, with ten thousand crowns hidden in a mattress!²

The Sheffield portrait, we saw, is signed 'P. Oudry.' The only person of that name known to us in connection with Mary (a fact not observed by our authors) is the man who was her *brodeur*, or Embroiderer, in 1560-67. His name appears in

¹ Labanoff, iv. p. 256.

² Labanoff, v. pp. 67, 87.

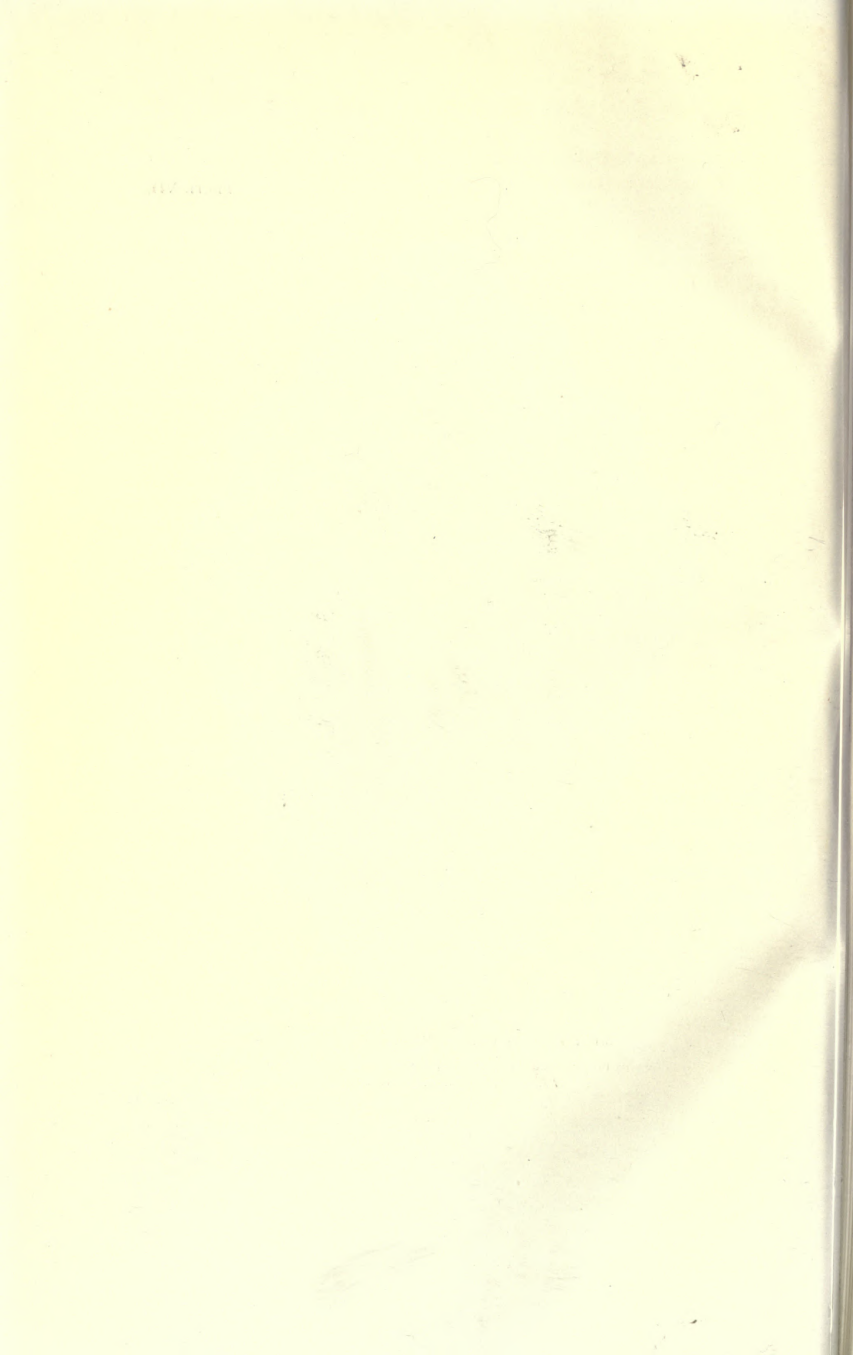
PLATE VII.



MRS. ANSTRUTHER DUNCAN'S MINIATURE.

*Mary as Captive Queen of England, Scotland, and Ireland. Dated 1572.
Probably an Eighteenth Century Copy.*

See page 142.



Teulet's register¹ of her Household, in 1566-67; and in various earlier lists drawn up by her steward, Servais de Condé.²

In the list of 1566-67 Oudry occurs under the heading *Gens de Mestier*, with a *passementier*, a gold worker, and a shoemaker. In 1573 the heading *Gens de Mestier Personnnaires* occurs, but it is followed by a blank space for the names. Perhaps all four *gens de mestier* had been removed in one of the periodical attempts to cut Mary's household down to thirty persons. Such attempts were made in 1572, after the Bartholomew massacre, and the rage and fear which it caused in England. Mary, however, as we know from a letter of Walsingham to Shrewsbury, had an embroiderer unnamed, in 1578, the year of Oudry's portrait painting, and the man's wife was refused permission to see Mary, in May, 1578.³ Even the intercession of the French ambassador could not win Elizabeth's grace, and the embroiderer's wife was to be sent back to London. Where her husband then was, whether at Sheffield or not, does not appear. For all that is said in Shrewsbury's and Walsingham's correspondence of May, 1578, the embroiderer may have been then at Sheffield: it was his wife whom they distrusted as apt to carry messages to France or elsewhere for the captive Queen.

Mary seems to have been unwilling to exist without a *brodeur*. Even as a prisoner at Loch Leven (1567-1568) she begged that an embroiderer might be sent to her, and he may have worked the famous emblematical hangings of the bed described by Drummond of Hawthornden. As late as November, 1585, when at Tutbury, she was on ill terms with her embroiderer (Oudry?) she wished to dismiss him and his wife.⁴ In August, 1586, when Mary was seized at Chertley, and taken to Fotheringhay to die, her embroiderer was one Charles Plouvard.⁵ He had no wife, or none at Chertley. Whether Oudry the embroiderer painted the Sheffield portrait at Sheffield, or elsewhere, in 1578, the hard unpractised style and helpless perspective of the work are explained. He was no painter by profession, and was

¹ Teulet, ii. p. 277.

² Robertson's *Inventaires de la Royne d'Escosse*, Bannatyne Club, 1863.

³ *State Papers Domestic, Elizabeth*, vol. xlv. p. 22. Walsingham to Shrewsbury, May 30, 1578.

⁴ *State Papers Domestic, Elizabeth*, vol. xlvi. No. 69. Paulett to Walsingham, Nov. 30, 1585.

⁵ Labanoff, vii. p. 251.

probably copying a work by a better artist, perhaps the artist employed in August, 1577. *His* identity and nationality remain as obscure as ever.

Of the painter of the 'Brocas,' a variant of the (Oudry) Sheffield portrait, now in the National Portrait Gallery, Sir George Scharf says 'he was neither an artist nor an inventor. He must have had a reality before him.' But was that reality,—Mary? or a portrait of her, or a copy of a portrait?

There are apt to be as many critical opinions as there are art critics; but Monsieur Dimier, Mr. Cust, and Sir Edward Poynter all think much more highly of the painter of the Brocas portrait than Sir George Scharf did.¹ I do not know whether he regarded the Brocas portrait as a copy of the Sheffield by Oudry, or whether he meant that the 'reality' before the painter of the Brocas portrait was the Queen herself. Sir George was 'disposed to lay the greatest stress upon Oudry's (Sheffield) portrait, as the original source from which so many modified types are derived.' Yet it is not an original, manifestly it is a mechanical copy.

Meanwhile Mr. Cust, and Monsieur Dimier think, as we have said, that a portrait in the National Portrait Gallery, 'the Brocas portrait' marked on the back with the C. R. and Crown of Charles I., showing the Queen, not as far as the carpet below the feet, but to a little below the hips, is a much better and more original work than that of Oudry, 'a mechanical copyist.' The National Gallery portrait has suffered from time and the restorer, and, though Mary is not such a squinting and aquiline hag as in Oudry's work, 'it can hardly be said to please the spectator or flatter its subject,' writes Mr. Cust.

We might speak more favourably of an interesting variant of this portrait, which belongs to the Duke of Portland. Mr. Cust supposes it to be a copy of the portrait at Hardwick, 'probably made, with others relating to the family history, for William Cavendish, Duke of Newcastle . . . the inscription repeats the errors of the Hardwick portrait.'² But as photographed in the Welbeck Catalogue, No. 537. (1894) the inscription is *in English*, beginning 'An Original of Mary, Queen of Scots.' The face is infinitely more pleasing, and more like my own notion of Mary, than the ill drawn face of the Hardwick (Oudry) portrait, and the hands are well designed; in the Hardwick the drawing of the hands is absurdly bad. The

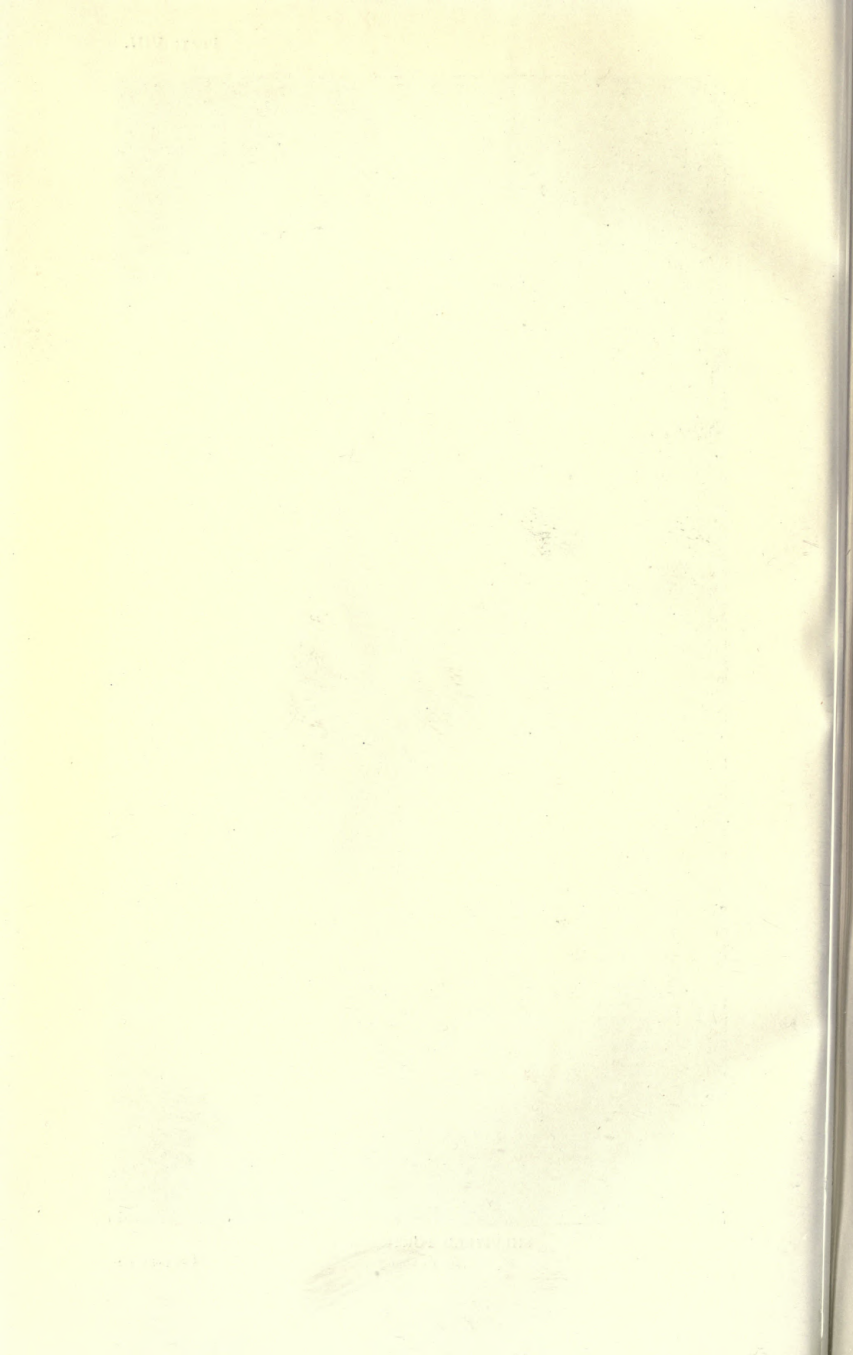
¹ See Scharf, in Foster, pp. 115, 116. Cust, pp. 76, 77.

² Cust, p. 82.



SHEFFIELD PORTRAIT, 1578.
By P. Oudry

See page 145.



English inscription appears to me to be of the seventeenth century. Looking at this Welbeck portrait we ask, is it a much better copy of the original likeness of 1577 which Oudry copied so detestably; or is it a late, modified, and improved study after Oudry's own performance? Has an unknown painter of the end of the sixteenth, or of the seventeenth century, merely bettered the amateur daub of Oudry? This question we leave to the learned: M. Dimier thinks that it is not a copy of Oudry's work.

In all the portraits of the Sheffield type of 1578, the face is very long, and rather thin, and the nose has an aquiline tendency, exaggerated in the picture signed by P. Oudry. We shall try to show that this aquiline tendency is untrue to nature; at least it is absent from Mary's portraits in childhood, in girlhood, and after the age of forty, in the latest years of her life. In the Florence and Amsterdam miniatures, in Lesley's medallion, in the miniatures dated 1572, and in the Morton and Leven and Melville portraits, too, the nose is long, low and straight.

Mr. Cust looks for the original from which come all the portraits of the Sheffield type, and finds it in the hypothetical miniature of August, 1577. Their 'hard unpleasing effect' is due 'to the fact of their having been painted away from their subject.'¹ He adds, 'the fault lay in the original painter, who was probably one of the mediocre journeyman painters who were scattered over England.'² . . . 'There can be little doubt but that the original version of this portrait was taken from the life.'³ Shall we interpret Mr. Cust as meaning that, in 1577, a hard and arid portrait of Mary was done, for Beaton, from the life, by a strolling English journeyman painter, and was copied, in various degrees of dryness and hardness, by Oudry and other copyists. In that case a hard and arid original was sent to Beaton in 1577; we have however no documentary evidence that it really was despatched.

We get on but slowly! Mary was painted, by somebody, in August-September, 1577, and the portrait, large or small, was to be sent to her ambassador in Paris. A bad copy, signed 'P. Oudry,' and dated 1578, exists, and there are variants of *that*, or of the original whence that was copied. All show the Queen at various lengths, in various attitudes (in the Brocas her hand is on her side, in which she had a constant pain) and with slight modifications of costume, but she is always in deep

¹ Cust, p. 78.

² Cust, p. 79.

³ Cust, p. 79.

mourning, and wears jet ornaments, and Catholic emblems. All of these Sheffield types were originally intended, as I have argued, for Catholic adherents.

V.

We now come to a portrait representing Mary at about the age of thirty-six, and actually looking no older! It has no inscription; nothing about *Piissima Regina Scotiae*; no Catholic emblems; no jet ornaments; no painter's signature, and was clearly *not* meant for a Catholic adherent. It is infinitely better executed than any of the Sheffield type. This is the Earl of Morton's portrait, which Horace Walpole deemed the most to be relied upon—*why*, he did not say.

Sir George Scharf wrote that the Morton portrait is celebrated, 'owing to the very effective engraving of it' published by Lodge. That engraving, however, as Labanoff saw, in no way resembles the original Morton portrait; and is taken from a water-colour sketch in which W. Hilton, R.A., in 1819, modernised the Morton portrait,¹ altering face, hands, dress, and what else he pleased. Hilton made the Queen a pretty modern coquette; Martin, in 1818,—still travestying the Morton portrait,—made her a sentimental Saint. Mr. Cust thinks the Morton (which he has seen), superior to the Sheffield as a work of art, but much less 'convincing as a likeness.'²

Here, with all deference, I scarcely agree with Mr. Cust. In the first place, so long as a portrait is true in all respects to the known facts of Mary's face,—the more pleasing it is, the more probable is the likeness! For the face of this 'gentlewoman' was 'pleasing' as Knox writes in his History. Had it not been 'pleasing' her own history might have been happier. Even the caricaturist who, in 1567, after Darnley's murder, drew Mary as a Siren, made her face eminently pleasing. The lofty brow, the rather long low nose, the oval of the face, the small mouth, and the sidelong glance, in this caricature, are all Mary's, and all are pleasing, rude as is the sketch.³ I am convinced that the Morton portrait (though, like those of the Sheffield type, it darkens and strengthens the eyebrows), shows to us, saddened and altered by some thirteen years and innumerable sorrows, the face of the medal of 1558; of the

¹ Cust, p. 86, note.

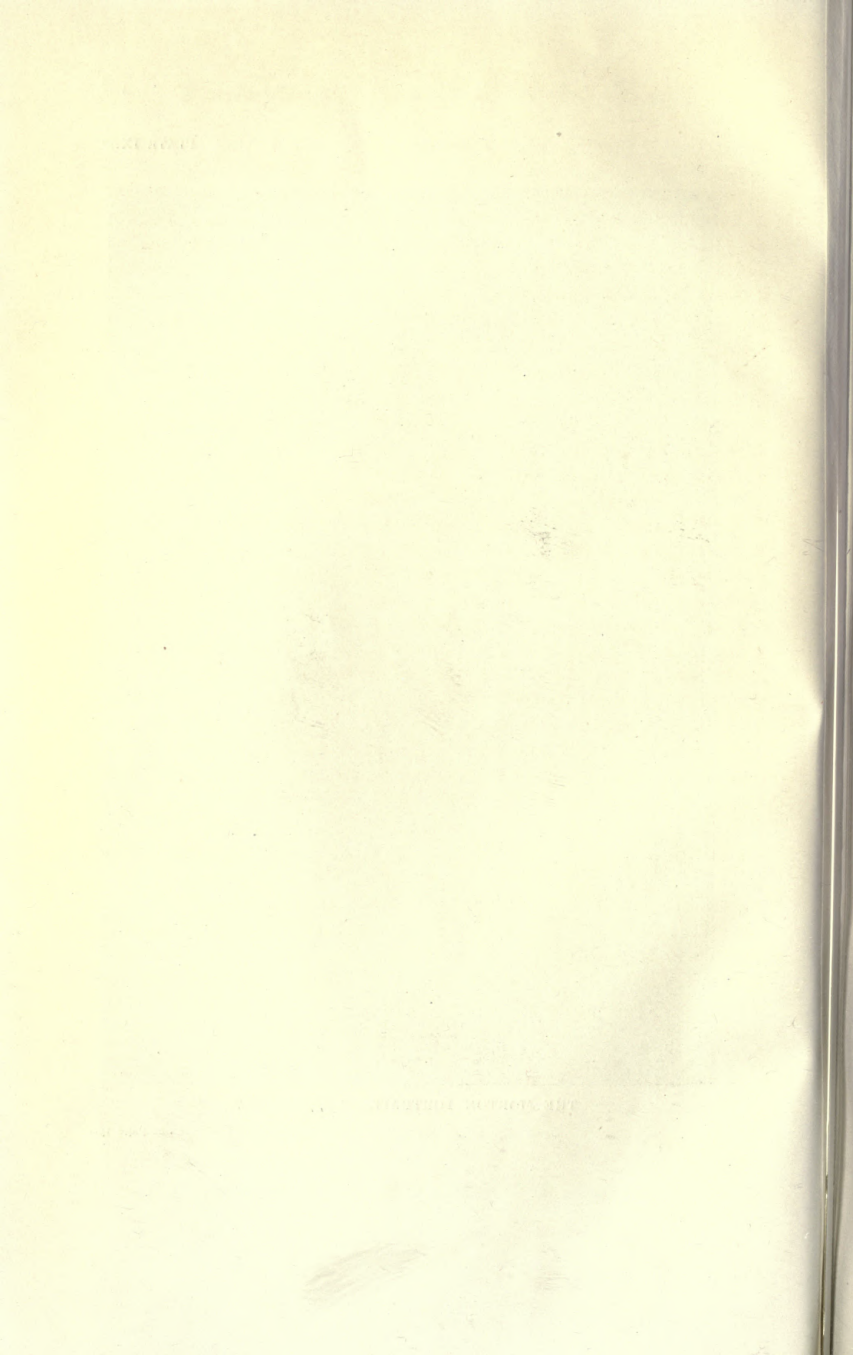
² Cust, p. 86.

³ The caricature is published in my *Mystery of Mary Stuart*.



THE MORTON PORTRAIT. 1577-1580 (?)

See page 152.



early French drawings; and of the *deuil blanc*. (1561.) The nose is not an aquiline beak: it is long and low, the expression is melancholy and stately, not coquettish, *à la Hilton*: or angelic, *à la Mariin*, or tormented, as in Oudry's work. It is a human face, and the face of a Queen who looked her part. (The original Morton portrait is photographed by Mr. Caw, in *Scottish Portraits*, and is also in my *Mystery of Mary Stuart*.) The Queen's right hand fingers the pearl pendant of a table of ruby (she had such a jewel, but they were common enough): the left hand holds a handkerchief, 'having two white tassels projecting stiffly from the corners,' says Sir George Scharf. James V. fingers a pearl as Mary does here in a well-known portrait; Darnley holds a handkerchief as she does, in a portrait done before his marriage, say in 1560-64. (Photographed in *The Mystery of Mary Stuart*.) The handkerchief, says Sir George Scharf, is common in Honthorst's pictures, namely about 1620-50. Honthorst, we know, painted Montrose, after the death of Charles I. (1648) for Elizabeth, 'Queen of Hearts,' or that portrait of Montrose is attributed to Honthorst. But Sir George Scharf elsewhere assigns the Morton portrait to 'the close of the sixteenth century,'¹ as a probable date. This is inconsistent with his theories of a late date, long after the close of the sixteenth century, as when he thought that the Morton piece was perhaps by Van Somer, for James VI.; or by Honthorst for the Queen of Hearts. 'Direct copies or adaptations of this Morton portrait are scarcely ever to be met with,' while copies of the Sheffield type, and of the false 'Carleton' type are very common.

I confess to being rather sceptical as to verdicts that vary thus, and are based on fleeting opinions about the internal evidence of style and treatment. If fingering a jewel is an artistic attitude of about 1540 (as it is) why should a painter of 1620-40 follow it in the Morton portrait; and if to hold a handkerchief is an attitude of 1560, as in the picture of Darnley, how does it bring the date of a portrait down to the late day of Honthorst, say 1620-50?²

Mr. Cust thinks that the painter of the Morton portrait 'had instructions to modify the unsatisfactory and distasteful appearance given by Oudry in the Sheffield portrait.' But, if the painter of the Morton portrait was French, he probably

¹ Scharf, *apud* Foster, p. 117. Date of writing 1876.

² Scharf, *apud* Cust, pp. 84, 85.

never saw the Oudry copy of something unknown, done in 1577. He *may* have seen the original then painted for Beaton. Mr. Cust argues that the absence of religious emblems 'denotes a later period.' But, if the portrait was to go to Scotland, in 1577-87, or was done for a Scot then or later living in Scotland, the Catholic emblems would necessarily be omitted. The preachers would have thundered against them: Morton could not have endured them. On the other hand nobody in France would persecute a painter for painting a Mary, for Morton or George Douglas, without religious emblems. She was often painted with none.

Now, if a portrait of Mary was taken to France from Sheffield in 1577-78, why should not Jehan de Court in Paris, Jehan so familiar with Mary's face, have painted the Morton portrait, or corrected the performance of a painter working on the basis of what was done at Sheffield in August, 1577? If so (granting that the style and costume present no insuperable difficulty), the excellence of the likeness in the Morton portrait is explained, and the picture might either be sent to Morton, or given then or later to George Douglas, who helped to rescue Mary from Loch Leven, and was constantly in France on her business, and always in close touch with Archbishop Beaton as late as 1585. A foolish legend says that it was painted during Mary's captivity at Loch Leven (1567-68), but Meyrick in the *Gentleman's Magazine* (1836, vol. v. p. 251) simply remarks that it has been very long in the family, and was done for George Douglas. From the 'broader and freer style' of the Morton portrait Mr. Cust would assign it to a date about 1608, 'some thirty years later than the Sheffield portrait.' I have confessed to 'giving but a doubtful credit' to judgments based on internal evidence of style, though a child could see that the Hilton copy of the Morton portrait is about the date of *Books of Beauty*, about 1820-30. M. Georges Lafenestre, in his book *L'Exposition des Primitifs Français*, remarks on 'the extremely divergent opinions, as to chronology and iconography' (especially as regards portraits attributed to Jean Clouet), entertained by the learned MM. Bouchot and Dimier.¹ 'The more one goes into these things, the more sceptical one becomes,' writes M. Bouchot. He speaks here, to be sure, of a somewhat earlier period.

As to the possession of the portrait by the present Earl of

¹ Lafenestre, pp. 100, 101.

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PENICUIK JEWEL. SIR GEORGE CLERK, BART. MARY.
Circ. 1584 (?)



PENICUIK JEWEL. MINIATURE OF JAMES VI.
Circ. 1576-79.

See page 155.

Morton, to come to history, he descends from the Douglasses of Loch Leven, heirs of the Regent Morton. My suggested pedigree of the Morton portrait, through the Regent or George Douglas, is conjectural, but far from improbable: Lord Morton does possess an admirable contemporary portrait of his collateral kinsman, the Regent Morton. (Photographed in *The Mystery of Mary Stuart*.)

Thus 'the most pleasing presentation of Mary Stuart extant,' as Mr. Cust calls the Morton portrait, may also be one of the most authentic, though not necessarily of date 1577-78. Granting an original of 1577, it might be studied from that, at a later period, for George Douglas, though the later the date, the more would the painter follow the very last portraits of Mary, flat faced, with a double chin. The historical facts, as to the relations of the Regent Morton, Mary, and Archbishop Beaton, in August, 1577, point to the probability that Beaton (who could get as many miniatures of Mary, of early date, as he pleased, in Paris), wanted to send to Morton a *contemporary* likeness of the Queen, whom he was trying to conciliate.

VI.

The source of the Morton was probably the portrait done at Sheffield for Beaton in 1577, and in France Jehan de Court, or another excellent painter working under his direction, could produce it.¹ It is true that the tiny miniature in the gold jewel at Penicuik, which came direct to the family of Sir George Clark of Penicuik through Barbara Mowbray, one of the Queen's ladies, represents no known type. But while the artist has produced, in his dot of space, a recognisable likeness of James VI. as 'a somewhat watery little boy,' he has not been successful with Mary. No known type is followed, the gown is of claret colour and gold, and there is gold (gilt) on the cap. We do not know where these miniatures and the jewel that contains them were fashioned.

Again, in the account of Nicholas Hilliard, by Mr. R. E. Graves, in the *Dictionary of National Biography*, it is said that Hilliard, a miniaturist, painted a portrait of Mary in 1579. The miniature of 1579 was once in the Bale

¹ Jehan was a painter, not the only one, of Charles IX., after 1572. Dimier, *Le Portrait du XVI. Siècle*, p. 33.

collection, and later in that of Mr. Whitehead. I do not know any documentary evidence for the painting of Mary in 1579, but, in the early summer of 1579, she was allowed to send her secretary, Claude Nau, on a mission to her son James VI. He carried papers and presents, and nothing is more natural than that Mary should have sent a miniature of herself, if she could get one, while Hilliard was high in the favour of Elizabeth, and could be trusted to visit the captive Queen. Mary sent to James VI. at this date, small models of guns, in gold, as we learn from the French ambassador of the day.

Nau was not permitted to have an interview with James, then a boy of thirteen, nor was James allowed to receive his mother's gifts. One of the gold guns was among her possessions at Chertley, in 1586, brought back, no doubt, by Nau, from Scotland.¹ Nothing was more natural than that, in 1579, Mary should send to her son her miniature, if she could get it painted. Mr. Whitehead kindly informs me that he no longer possesses this interesting object. It is photographed in the catalogue of the Burlington Fine Arts Club exhibition of 1885 (Plate xxxi). It is an oval, with the usual blue background, inscribed 'Anno Domini 1579, M.R.' The subject, who does not look more than Mary's actual age, thirty-seven, wears a black cap, square in front, baggy behind; a small ruff, hair puffed up at the sides and above the forehead, a double chain of pearls, and a pendant jewel, with no Catholic emblems. The face is still thin, long, and queenly, it is a face to which James's boyish heart might well have gone out, as to a handsome young mother: there is nothing in it of the melancholy *dévoté*, as in the Sheffield type. But whether the M.R. of this miniature was really 'Maria Regina,' or not, I cannot say. The historical environment is certainly plausible and appropriate; in 1579 Mary would, if she could, get a miniature of herself to send, with other gifts, to her boy. Judging by the photograph of this miniature, the eyes, though like the Queen's in shape and setting, are too light in hue to represent her; Mr. Way says that they are grey. In other respects the features are like her own.

¹ Labanoff, v. pp. 89-98.

ANDREW LANG.

(To be continued.)

The Scottish Nobility and their part in the National History¹

THE Scottish nobles undoubtedly bear a bad name in our national history. The general opinion of them, indeed, might be summed up in a single sentence: they bullied weak kings and abetted bad ones, and in each case it was their own selfish interests that inspired them. In passing such a judgment, however, it is well to remember the saying of Burke. It is futile to indict a nation, Burke said, for in so doing we are, in fact, indicting human nature. Though the saying of Burke does not apply with the same force to a class as to a nation, yet if we find a numerous body of men, conditioned by common interests, playing the same part throughout successive centuries, the inference must surely be that they were but following the natural instincts implanted in universal man. Put the worst construction we choose on our historic nobility, our judgment of them must be mitigated by the consideration that had we been in their place we should have been influenced by the same motives, and done our best or worst for the class to which we belonged.

But do the facts of our national history justify such a sweeping condemnation of the general conduct of the Scottish nobility? Was their action so maleficent that it was productive of no single benefit to the country to which they owed their birth and their privileges? In the lives of nations, as of individuals, there are few, if any, unmixed evils, and the presumption is that even taking the Scottish nobles at the worst, they did some good to their nation, even though we may deny them the credit of doing it from disinterested motives. As far as the scope of a single paper will permit, let us follow the action of the Scottish nobles throughout the period when it most directly influenced the national development—not holding a brief for them, but simply

¹Delivered as an Introductory Lecture to the Class of Ancient (Scottish) History in the University of Edinburgh, Session 1905-1906.

trying to see the scope of their action in the light of the general movements of the time. In making such a survey, it is necessary that we should go beyond the limits of Scotland, since in every period of her history Scotland was directly or indirectly influenced by what took place in other countries of Christendom. At one time or other every class in the Scottish nation was affected by the examples of the corresponding classes among other peoples; our kings learned lessons from the kings of France and England, our nobles from their own class in the same countries, and our burghs from similar corporations in England or on the Continent.

It is from the reign of David II. that the action of the Scottish nobles begins consistently to affect the course of the national development. They had been sufficiently in evidence both during the War of Independence and before it, but it was in the reign of David II. that they first began as a class to realise their relation to the Crown on the one hand, and the Church and the burghs on the other. From the necessities of their position their relation to all three was equally that of antagonism. They dreaded encroachments on their privileges by the Crown; they regarded the higher clergy as their formidable rivals in wealth and popular influence; and with a sure instinct they saw in the developing commerce of the burghs the growth of a power that would undermine the very foundations on which their order was based. From the reign of David to the Reformation we can trace in the persistent policy of the nobles the prompting of all these antagonisms, though it is their opposition to the Crown that is written largest in history. At the Reformation, the nobility, like every other class in the nation, came under influences which profoundly affected their position, their aims, and methods of action. Still as an order they continued to maintain the traditions of their origin, and at every crisis we find them animated by the same motives which had actuated them in the period prior to the Reformation. Let us then look at the part which they played during these two periods respectively—that preceding the Reformation, and the century and a half that followed it.

On the death of Bruce in 1329 the Scottish nobles were in a position which for good and ill was fraught with momentous issues for the future of the kingdom. From a policy as necessary as it was prudent at the time, Bruce had made lavish grants of lands to such as had stood by him in his great work of freeing the country from the English domination. In the

case of such families as that of the Douglasses, the grants had been on a scale which made their feudal heads all but the co-equals of the sovereign himself. In every part of the kingdom such feudatories were to be found, and if they had not been divided by rival interests among themselves, it would have been an easy task for them to wipe out the monarchy and set up as petty kings on their own account. Powerful in their own resources, the condition of the kingdom rendered them still more formidable. In the first place, the Crown was lacking in the main elements that gave stability and force to a feudal monarchy. It had been the greatness of Bruce's achievement and not the family claims that he could advance to the throne that had made him the honoured sovereign of his people. His son David came to the throne with all the prestige of his father's name, but his own character and conduct were such as to make his subjects forget the father's glory in the irresponsibility of the son. On his death came the dynasty of the Stewarts, which for essential and accidental reasons was unhappy in all the circumstances that were requisite to establish it in the affection and respect of the country. Through the accident of his father's marriage with Marjory Bruce, Robert II., the first of the Stewart line, inherited the throne, and, though his right may have been indefeasible, it was not forgotten by the proud barons that he had been but one of themselves, and neither the most distinguished nor of the most ancient descent. As it happened, also, the first kings of the House of Stewart possessed none of the qualities that might have compensated for the suddenness of their elevation. Robert II. and Robert III. were both such feeble personages that they remained in tutelage throughout the whole of their reigns. While families like the Douglasses were performing brilliant feats of valour in defence of their country, the kings of Scots, its natural champions, were spending their lives in amiable indolence in such courts as they possessed. From the death of Robert III., moreover, a singular fatality attended the House of Stewart—a fatality which deeply affected the entire development of the country. From the accession of James I. to the accession of Charles I.—a period of two hundred and nineteen years—there was a minority, longer or shorter, in every reign. The effect of minorities in weakening the Crown and strengthening the barons is illustrated not only in the history of Scotland but in that of every feudal country. A French noble at the close of the sixteenth century pithily summed up the traditions of his

order with reference to royal minorities. 'If the King is a minor,' he said, 'we will be majors.' Through this combination of circumstances it was that the Scottish baronage were placed in a position that enabled them to make so light of the authority of successive kings. In other countries, as in France during the Hundred Years' War, the nobles occasionally found themselves in the same relations to their kings, but nowhere did so many circumstances for so prolonged a period make it possible for them to maintain their advantage.

In their relations to the Crown, the nobles of Scotland met with no such serious counter-checks as their class found in England or France. In these two countries during the period of which we are speaking, the kings found strong support both from the clergy and the commons. In Scotland the clergy and the commons were generally on the side of the Crown, but neither the one nor the other was sufficiently powerful to sway the balance steadily in its favour. The time had passed when spiritual terrors daunted kings and nobles alike, and it was only when upheld by temporal authority that the Church could make its influence felt on any class in the country. But, as the kings did not possess this authority, the clergy were unequal to maintaining the balance between the rival powers in the State. And the communities in the towns were equally powerless to turn the scale in the direction they would have wished. It was to the kings that the royal burghs, the most important of the towns, looked for their privileges and the encouragement of their enterprise, but the towns themselves had conflicting interests, and they were incapable of the steady collective action which might have made them an effectual force in the country.

From this survey of the position of the Scottish nobility in the two centuries preceding the Reformation, it will be seen that they had ample opportunity of displaying all the instincts of their class, and it is precisely the manner in which they did display them that has given them their bad name. The iniquities laid to their charge may be ranged under three heads—their addiction to private feuds, their lack of patriotism, and their contempt of the royal authority.

In connection with all three counts, there is a well-known saying which should not be forgotten: 'One century may judge another century, but only his own century may judge the individual,' and the saying holds equally true in our judgment of a class. In applying this maxim, be it noted, we are not

inventing excuses; we are merely seeking an explanation. That private feuds abounded in Scotland at the period under notice, that they were the perennial cause of bloodshed and anarchy, are facts of which there can be no question. But, as the feudal society was constituted, this state of things was in truth as natural as trade competition at the present day. The innumerable bonds of manrent, by which one group of feudatories entered into a paction against their common enemies, are the eloquent commentary on this fact. The root of all the mischief was that each feudal lord was responsible for the life and goods of every dweller on his domain. An unavenged injury to any person or thing, however indirectly connected with him, was at once a personal insult and a derogation from his authority. If he could not defend those who looked to him for protection, the very reason for his existence was at an end. Placed in this position, he was like a spider at the centre of its web, every vibration of which touched the nerve of its occupant. A neighbouring town, a refractory vassal, the lord of a contiguous domain, would injure or insult one of his dependants, and there was a quarrel ready-made which he was bound to see through with all the resources at his command. And it is to be remembered that the feudal baron claimed as his prescriptive right the privilege of making war on his neighbours when all other means of obtaining redress had failed. The kings had, indeed, in large degree succeeded in depriving them of this privilege, but the barons never admitted that it was not their inalienable right.

When such were the responsibilities and such the powers of the Scottish baron of the fourteenth and fifteenth centuries, it can hardly excite our wonder that he was naturally a hot-blooded and turbulent person, ready at any moment to make good his case at the sword's point. As was said, the turbulence of the Scots nobility cannot be gainsaid, but what of the members of their class in other countries? If we take our specimens from Germany, we know that the exploits of a Wolf of Badenoch were of every-day occurrence in that country. The famous Goetz von Berlichingen, of whom Goethe made a hero, was not the greatest sinner of his kind, but the record of his deeds leaves far behind that of any Douglas of them all. In Germany the central authority was even weaker than it was in Scotland; but what was the character of the feudal noble in France, which in the arts of life was in advance of most other countries? Here is a passage from a living French historian, in which

he describes the French noble of the period of the Hundred Years' War.

'The commanders of the royal armies, those who ought to have been honoured as the defenders of their country, were not less merciless to the common people than the English or the brigands. They violated every law prescribed by the code of chivalry. Charles of Blois, whom the inhabitants of Brittany honoured as a saint, did not even keep his word to towns which had capitulated. Princes of the blood royal committed the most shameful crimes; the Duc de Berri poignarded the Count of Flanders; John the Fearless had his cousin, the Duke of Orleans, assassinated, and he was himself done to death by his kinsman, the Dauphin of France. One of the Dukes of Brittany had his own brother murdered; a certain Count de Foix allowed his son to die of hunger in a dungeon. A certain Sieur de Giac did away with his wife; a certain Sieur de Retz kidnapped little children, and made experiments in sorcery by subjecting them to a slow death.' Such was the French baron of the fourteenth and fifteenth centuries. Paint his Scottish brother as black as we may, it would certainly appear that neither Scottish King nor Scottish people would have made a good bargain by exchanging him.

A second charge against the Scottish feudal nobility is that they were lacking in patriotism. The facts of their history do not justify such a sweeping statement, but it is true that certain of the most eminent of them did not scruple to fight under the English banner against their own countrymen. In the reign of Robert III. the great Earl of March became a renegade because Robert's heir, the Duke of Rothesay, threw over March's daughter, to whom he had been betrothed, and took a wife from the House of Douglas. In the reign of James II., the Earl of Douglas rebelled against his rightful prince, and when beaten, did not hesitate to offer his services to England against his native country. Their action, we say, was detestable, but we have to recall the fact that the relations of the Scottish nobles to their kings had been dubious from the beginning. As many of them owned domains in both countries, their allegiance was a variable disposition, largely determined by the circumstances of the moment. Moreover, the successive hazards of the Scottish succession had unsettled public opinion with regard to dynastic claims. Robert Bruce had made good his claim by his pre-eminence as a soldier and a statesman, but the fact could not be ignored that John Balliol had as good

a right to the throne as he, and on the accession of David Bruce, the son of John Balliol was preferred by many to the son of the hero-King. And the House of Stewart, we have seen, alike from its origin and from the character of its first representatives, did not command such respect and devotion from the Scottish people as to surround it in special degree with the sacrosanct halo of sovereignty.

But the truth is, that in accusing the Scottish nobles of lack of patriotism we are testing them by a standard which we cannot in historic justice apply to them. It may be broadly said that in the fourteenth and fifteenth centuries the idea of patriotism, as we understand it, was hardly realised by any class in any country of Christendom. If any national experience was fitted to awake patriotic sentiment, it was the experience of France during the Hundred Years' War, yet here is how the French historian already quoted describes the conduct of the French nobility during that disastrous period: 'During the so-called English wars,' he says, 'it was Frenchmen themselves who did most mischief to their country. It was Robert of Artois and Geoffrey of Harcourt who incited the first debarkation of Edward III. on the shores of France; it was with an army partly composed of Gascons that the Black Prince gained the battle of Poitiers; it was a French prince, Charles the Bad, who ravaged the Île de France; it was the Duke of Burgundy who opened the gates of Paris to the English; it was a Norman bishop and Norman judges who burned Joan of Arc.' In England patriotic sentiment was more developed than in France, but in the conduct of the English nobles as a class during the Wars of the Roses there is little appearance of a disinterested attachment to their country.

But if we wish a striking illustration of the fact that patriotism was still a rudimentary feeling throughout the period under notice, we may find it in the indirect testimony of two great historians—in Froissart who wrote at the close of the fourteenth century, and De Comines who wrote at the beginning of the sixteenth. Froissart was the brilliant interpreter of the spirit and ideals of the aristocracy of his time, but, set panegyrist of them though he is, it never occurs to him to commend any of his heroes for self-sacrificing devotion to the interests of their country. The idea of patriotism, in fact, is not in his book. There is but one kingdom he knows, the Kingdom of Chivalry—in which every doughty knight, whatever his race or country,

was the free-born subject. As for De Comines, who is such a striking contrast to Froissart in all his modes of thought and feeling, he gave in his own conduct a practical illustration of the little regard in which he held the claims of country. Solely in the interest of his own personal fortunes, he deserted his natural sovereign, the Duke of Burgundy, at a critical juncture in his affairs, and gave his services to that sovereign's most deadly enemy, Louis XI. of France. From these considerations, then, it would appear that in indicting Scottish nobles for lack of patriotism, we are in fact arraigning them for a crime which was at least common to their class, and which it is, in truth, pointless to lay specially at their door.

The other count against them—that of insubordination against their rightful kings—may be regarded as commensurate with that which we have just been considering—their alleged lack of patriotism; and what has been said of the one charge equally applies to the other. The nobles of every country deemed it their right to rise against their kings when their privileges were infringed, and no other means of redress was open to them. The traditional attitude of the feudal nobility to the Crown was, in point of fact, entirely distinct from the attitude of the clergy and the people. For the clergy an anointed king was a sacred being, designated by heaven for his function. He continued the office of Saul and David; it was sacrilege to touch his person, and impiety to question his authority—so long as it was sanctioned by the Church. In the eyes of the people, the sceptre was the divine symbol of the royal authority; the throne, the fountain of justice. The feudal noble had no such exalted notions of the person of the prince. For him he was not the sovereign, but simply the suzerain, the head of the system of which he was himself a member, and, therefore, only *primus inter pares*. It is true that kings had come to impose themselves as sovereigns as well as suzerains over all classes of their subjects, but the original relation was never forgotten by the class of the nobles, and they never failed to re-assert it when it lay in their power. Even into the seventeenth century both French and Scottish nobles, Protestant as well as Catholic, found the opportunity of reminding their kings of the original bond between them. The French nobility in the reign of Louis XIII. and the Scottish nobility in the reign of Charles I. convincingly proved to these kings that they had not forgotten the traditions of their order.

Thus far we have only been seeking to understand the

conditions which underlay the action of the Scottish nobility. But the more important question remains, What was the general tendency of their action in the development of the country? Had it no beneficent result on the well-being of the Scottish people, no saving influence on constitutional liberty? An adequate discussion of these questions would require much larger scope than a single lecture, but a few points may be suggested for consideration, and be it remembered that we are still concerned with the atrocious two centuries preceding the Reformation.

It would certainly be a large assumption to maintain that in the strife between king and noble, the king was always right and that the noble was always wrong. In the reign of Robert III., one of his Parliaments passed an Act which is thus suggestively described: 'The misgovernment of the realm to be imputed to the king and his officers.' After all due allowance for the exaggerated language of statutes, the 'misgovernment' must have been sufficiently serious, as an Act of a previous Parliament of the same king speaks of 'horrible destructions, herships, burnings, and slaughters commonly done through all the kingdom.' But this was, in greater or less degree, the condition of the country throughout the feeble reigns of Robert II., Robert III., and James III. That the miseries were mainly due to the weakness of these kings is proved by the simple fact that under the vigorous rule of James II. and James IV. order and peace were firmly maintained throughout the country—the Highlands always excepted. As a remedy for misgovernment, the Parliament already mentioned, following the example of the French States-General, enacted that the king 'to excuse his defaults' should summon his officials before his Council and charge them with their misconduct. Whatever may have been their motives, the barons who passed this Act must be credited with going to the root of the evils from which the country was suffering.

In another action of the nobility they were undoubtedly in the right, and the kings in the wrong. In the interests of France rather than in the interests of their own kingdom, one Scottish king after another insisted on leading an invading host into England, and in almost every case with disaster. On such an expedition David II. was taken at Neville's Cross, and the payment of his ransom was an incubus on the country for half a century. Had James IV. listened to the advice of his barons, Scotland would have been saved the calamity of Flodden. Once and again the Duke of Albany, who acted as Regent during the

minority of James V., would have crossed the Border in the interests of Francis I., and was only prevented because the barons refused to follow him. James V., who married two French wives in succession, would have repeated the enterprise of his father, and the discreditable Rout of Solway Moss was the result of the hereditary policy of the Scottish kings, consistently opposed by their refractory nobility.

But the attitude of the Scottish baronage to their kings may be regarded under a wider aspect, and one that reveals a principle in their action which was to be of potent effect to the close of the constitutional history of the country. Throughout the fourteenth and fifteenth centuries it was the universal endeavour of kings to make themselves the absolute masters of their subjects. In England the endeavour resulted in the Tudor despotism, in France and Spain in a government of the same pattern. The nobles of Scotland, we may be sure, saw what kings were driving at in other countries, and they had the will and the power to check the process in their own. The English lawyer, Sir John Fortescue, writing in the fifteenth century, says of the King of Scots 'that he may not rule his people by other laws than such as they assent unto.' That the Scottish constitution could be thus described must undoubtedly be put to the credit of the nobles, for the Commons did not count as a force in the legislative action of the country. To the Scottish nobles it was due that this idea of a monarchy limited by the will of the subject maintained itself in Scotland long after it was ignored or forgotten in other countries. Not till the reign of James VI. did any Scottish sovereign succeed in making himself a ruler after the type of Henry VIII. or Francis II., who issued his mandates with the formula—'Such is our royal pleasure.' James VI., even before his migration to England, substituted government by his Privy Council for government through the Estates, and the precedent was exactly followed by his successors, Charles I. and Charles II. But the conception of a limited monarchy for which the nobility had contended was never forgotten in Scotland. It was in accordance with this conception that the Parliament which met in 1641 during the struggle of the Covenant enacted that all the Officers of State should be chosen by the king with the advice and approbation of the Estates, and it was on the same foundation that Fletcher of Saltoun based his patriotic appeals in the Parliament of the Revolution. Deplore as we may, therefore, the

turbulence of the Scottish nobility during the fourteenth and fifteenth centuries, it is yet to them that Scotland owes that tradition of constitutional liberty which was finally assured by the Revolution of 1689.

A few words remain to be said regarding the action of the Scottish nobles during the period of the Reformation and the century and a half that followed it. We have been long familiar with the picture of the typical Scottish noble of the Reformation. As he has been commonly represented, he was actuated by but one motive in all his conduct—the desire to lay his hands on the spoils of the ancient church. If such were, indeed, his only incentive, he was at least not alone in his sins, for precisely the same charge is brought against his class in England, Germany, and France. But the truth is that this is too simple a method of treating such a complicated thing as human nature. We remember the saying of Hazlitt that no man ever acted from a single motive, and the saying is as applicable to a class as to the individual. It is an assumption we are not justified in making, to say that nobles like the Lord James Stewart, and the Earls of Argyle and Glencairn, who were chiefly responsible for effecting the change of religion, had no sincere conviction that they did what was right in the interests of truth and the interests of their country. But waiving the question of motives, regarding which the historian does well to be reticent, we cannot overlook one incontrovertible fact; for good or ill it is to the Scottish nobles that we largely owe the Reformation. In Scotland, still essentially feudal, there was no other power that could have effected a revolution which so completely wrenched the nation from its past. Without the support of the nobles the zeal of Knox and his brother reformers could not have accomplished it. The inhabitants of the chief towns all but unanimously favoured the Reformation, but they were powerless to take the initiative without their natural leaders, and as society was then constituted, these leaders could only be the nobles. In Scotland, it is to be remembered, it was in defiance of the sovereign that the Reformation was accomplished, and had the nobles as a body taken sides with the Crown, the reforming movement in Scotland would have been as abortive as it proved in Spain.

The decisive influence of the nobles in affairs of religion is equally conspicuous in the ecclesiastical struggles of the seventeenth century. By the beginning of that century they had from a variety of causes become changed creatures; they had, in fact,

undergone the process which had already taken place in the other kingdoms of Europe. In these countries the intractable feudal baron had been transformed into the obsequious courtier whose chief ambition was to bask in the sunshine of the royal presence. The Scottish noble in his travels saw the splendour of foreign courts, and the grace and accomplishments of the representatives of his own order, and he realised that there was a life more attractive than his grim isolation in his hereditary keep. Thus the Court laid its spell upon him, and henceforward it was to royal favour and not to his sword that he looked for the advancement of his interests. And James VI. had effectual means in his power to foster this new disposition in his nobility: he gorged them with the Church lands which an Act of Parliament, passed in 1584, had definitely annexed to the Crown. Then it was seen how little the Presbyterian ministers could help themselves when the nobles were detached from their interests. Had the nobles been on their side, James would never have succeeded in his policy of imposing Episcopacy on his Scottish subjects.

But, as was to be convincingly proved in the reign of James's successor, the claws of the nobles had not been thoroughly pared. Their hereditary instincts, the memory of their former privileges were too deeply engrained for them to submit tamely to the sweeping measure with which Charles I. began his reign in Scotland. By his famous Act of Revocation Charles recalled all the grants of the Church property which his father had so profusely squandered among his courtiers. It is true that Charles offered what he considered an adequate compensation, but this was not the opinion of the class who were mainly interested in his measure. For a time, indeed, they were constrained to accept the terms which their royal master imposed on them, since the days were gone by when they could levy their retainers in mass, and beard him in his own palace. But the opportunity speedily came when they could show him that they were still the same race who had dictated terms to his ancestors and brought them to their knees. By the imposition of Laud's Service-book, Charles roused the national feeling which produced the National Covenant, and for the time reduced the Crown to impotence. But in the case of this revolution, as in the case of the Reformation, it was again through the joint action of nobles and commons that these results were accomplished. Mighty as the tide of national feeling was, it would have expended itself in vain, had it not been directed and concentrated by the action

of the chief nobility. Here, again, the question of motive recurs. Were the nobles as a body mainly influenced by the desire to recover their arrested domains, or were they sincerely convinced that the Covenant was a righteous protest against a king who had overstrained his prerogative? However this may be, it is at least an indisputable fact of our history, that without the collaboration of the nobles neither the National Covenant nor the Solemn League and Covenant would have been brought to birth by the Scottish people.

The power of the nobles for good or evil is continuously illustrated to the close of the constitutional history of the country. As the conflict between Charles and his people developed, the instincts of their class again prevailed. By the domination of the Church and the domination of the people they saw the privileges of their order threatened as they had been previously threatened by the king. Now, therefore, they threw themselves on the side of the Crown, and with the result that their defection proved the temporary ruin of that Presbyterian policy of which the Covenants had been the triumphant expression. Under the reigns of Charles II. and James II. they are hardly recognisable as the ancient nobility of Scotland. Now, indeed, their teeth were drawn and their claws effectually pared. Such of them as chose to make themselves the agents of the policy of their kings were salaried and nominated officials who had no option but to give effect to the royal pleasure.

But before their story closed, they were yet to give signal proof of their predominant influence in the country. In the Convention that met in Edinburgh after the flight of James VII. the great majority of them declared for William of Orange, and their action decided that, so far as Scotland was concerned, the Revolution was to prevail. Had that majority cast its sword on the side of Dundee, in all probability Scottish history would have followed a different course. But the last action of the Scottish nobility was perhaps the most memorable and momentous in their devious and checkered history: to them we mainly owe the constitutional union of the Parliaments of England and Scotland. In the last Scottish Parliament which expressly met to deliberate on the articles of the Treaty, the votes of the representatives of the burghs and the shires were equally divided, while the vote of the majority of the nobles was cast for Union. Had that vote not been given, the Union must at least have been postponed, and the result of delay on the conflicting interests and the seething

passions of the hour both countries would alike have had occasion to regard with well-founded apprehension.

From this survey of the successive action of the Scottish nobles, one conclusion at least is forced upon us: no similar class has played a more conspicuous and more decisive part in the nation to which it has belonged. Once and again they had the destinies of the country in their hands; it was they who gave Scotland its limited monarchy; the Reformation and the Covenants were largely their work, and but for them the Revolution and the Union might have had no place in our history. With this record of their action before us, can we doubt that in considerable measure Scotland owes to her nobility what she is to-day?

P. HUME BROWN.

‘Charlie He’s My Darling’ and other Burns’ Originals

THAN the classic version of ‘Charlie He’s My Darling’ there is perhaps no more popular or graceful Jacobite lyric—none that expresses more happily the romantic personal devotion with which the young Chevalier inspired his followers. Yet its origin has hitherto been partly involved in mystery. The classic version first appeared in vol. v. of Johnson’s *Scots Musical Museum* (1796). No signature was attached to it; but the connection with it of Burns is proved by a copy of it in his handwriting in the Hastie MSS. in the British Museum. In his notes to Johnson’s *Musical Museum*, Stenhouse hazarded the remark: ‘This Jacobite song was communicated by Burns to the editor of the *Museum*.’ Thus from no data whatever he inferred (1) that the lyric was a contemporary Jacobite song, and (2) that it was merely communicated by Burns; and that admirable antiquary, David Laing, who edited Stenhouse, did nothing either to amend or supplement this very bare and, at the same time, very bold comment. Even the Ettrick Shepherd, who had private access to many Jacobite originals, has very much the same story, and printed the *Museum* version in his *Jacobite Relics* as the ‘original’ one, inserting at the same time a ‘modern’ version, doubtless his own:

‘As Charlie he came up the gate,
His face shone as the day;
I grat to see the lad come back
That had been long away,’ etc.,

as if to show how inferior a bard Hogg himself was to the unknown Jacobite lyrist! And not only Hogg, but Lady Nairne—whose ancestors had fought and bled for Charlie and his sire, whose own poetic spark was perhaps first kindled at the flame of Jacobitism, and whose Jacobite lyrics breathe the

true romantic fragrance of Jacobite devotion—even Lady Nairne knew nothing of another Jacobite 'Charlie He's My Darling' than that sent by Burns to Johnson's *Museum*; but apparently failing to relish the love *motif* of the song, she vainly attempted to supersede it by a production which, though irreproachably respectful, is, for Lady Nairne, exceptionally tame. Unlike Hogg, she thought fit to parody the *Museum* song, for it was the *Museum* song and no other that she had before her. The first stanza she appropriated bodily, and it may suffice to quote her second:

'As he came marching up the street,
The pipes played loud and clear;
And a' the folk came running out
To meet the Chevalier!'

Nor have editors of Burns' poems been able to come to a satisfactory decision in regard to the lyric. Some, boldly treading in the footsteps of Stenhouse, Hogg, and Lady Nairne, omit it altogether; others, with perhaps even greater temerity, include it, without comment, as the production of Burns alone. In the *Centenary Burns* Mr. Henley and I deemed it advisable to adopt a more cautious attitude, the opinion being expressed that it 'was probably suggested by some Jacobite lyric'; and the facts show that this prognostication, if not quite correct, was not altogether wrong. That Burns would pass a Jacobite song, or a song having connection with Jacobitism, through his hands without leaving on it traces of his impress is hardly credible, even without direct evidence of the amending process; but in this song, as sent to the *Museum*, there are internal characteristics to suggest his part authorship. Not merely is it, artistically, a masterpiece among Jacobite lyrics, but it is in a different plane of excellence from that of the contemporary Jacobite productions. Moreover, it bears marks of interpolation, as well as of condensation or excision; and, above all, it seems instinct with the unmistakable personality of Burns. Still, since he did not sign it, those with whom internal evidence counts for nothing have naturally taken for granted that the *Museum* song is a *bona fide* Jacobite production.

A faint suggestion that the *Museum* version is not the undiluted and complete original is to be found in a somewhat rare Falkirk chapbook, printed by T. Johnstone, 1814. This chapbook contains a 'Charlie He's My Darling,' which includes most of the *Museum* stanzas with a few additional ones; but even if

this fact were known to editors and Jacobites, it might be argued, with some plausibility, that the song was merely a very base parody or corruption of the *Museum* lyric. Those stall copies, be it remembered, were prepared for the frequenters of the Falkirk cattle trysts, with whom quantity was of more importance than quality, and who also preferred their literature, like their whisky, raw and rough. To cater for their rude patrons the Falkirk editors were not unaccustomed to 'improve,' both by additions and emendations, even the avowed productions of Scotia's favourite bard, and that they should adopt liberties with the *Museum* text of an anonymous production is quite what we might expect.

It so happens, however, that I have lighted on another 'Charlie He's My Darling' in a volume containing a large number of rare white-letter broadsides, the majority of which are dated either 1775 or 1776. The 'Charlie He's My Darling' broadside—which also includes 'The Wandering Shepherdess' and a version of 'O'er Bogie'—is undated, but print and paper are identical with those of the 1775 and 1776 sheets, and one of the engraved emblems, the face of the sun, is identical in every detail with that on several of the dated sheets. Further, among other emblems are the arms of Marischal College, Aberdeen, and a crowned head of George II. the latter being indication of a date anterior to the period of Burns's poetical activity.

But there are also indications, in other sheets, that Burns probably had access to this very volume of broadsides. The third stanza of the *Museum* song is:

'Sae light's he jimpèd up the stair,
And tirl'd at the pin;
And wha sae ready as hersel'
To let the laddie in!'

Now there is nothing corresponding to this in the white broadside song, 'Charlie He's My Darling.' There are, of course, frequent references in the old ballads to 'tirling at the pin,' or 'knocking at the ring'; and the expression 'tirl'd at the pin' is employed with weird effect in the ballad of 'Sweet William's Ghost,' as well as in the 'Lass of Lochroyan':

'When she had sail'd it round about
She tirl'd at the pin,
O open, open love Gregory,
Open and let me in.'

‘Charlie He’s My Darling’

But no Scottish stanza more closely analogous to the ‘Charlie’ stanza was seemingly in print until after the death of Burns, although two afterwards appeared in versions of at least two distinct ballads ‘taken down from recitation.’ They may derive from stanzas in two black-letter ballads, ‘Fair Margaret’ and ‘Lord Thomas and Fair Ellinor,’ at least no earlier source is known. Here is the ‘Lord Thomas’ stanza:

‘But when he came to Fair Ellinor’s bower
He knockèd at the ring;
But who was so ready as Fair Ellinor
for to let Lord Thomas in!’

Burns probably knew this ballad, but in the white broadside volume of 1775-76 there is an otherwise unknown version of the same ballad which contains a Scottish rendering of the stanza. It is of interest for other reasons, is entitled ‘An Excellent Song—Lord Thomas’ Tragedy,’ and is dated April 27th, 1776. This is the stanza which concerns our present purpose:

‘And when she came to Lord Thomas’ gate
She tirl’d at the pin,
And ready was Lord Thomas himself
to let Fair Eleanor in.’

Burns seems to have had both versions in remembrance when revising ‘Charlie.’

But there are more distinct signs than this of Burns’s probable familiarity with the volume. Of that very touching lament, ‘The Lowlands of Holland,’ there are two well-known versions: that in Herd’s *Scottish Songs* and that in Johnson’s *Museum*. That Burns had any connection with the latter version Stenhouse had no suspicion; indeed he denounced one stanza as ‘spurious nonsense,’ and hitherto no one has challenged the verdict of Stenhouse. Yet this same version is found in the handwriting of Burns in the Hastie Collection, and without doubt Burns made use not only of the Herd version, but of another and longer version of 1776 found in the broadside volume. He amended the latter mainly by condensation, the chief contribution of his own being a vivid couplet:

‘The stormy winds did roar again,
The raging waves did rout,’

for

‘The weary seas did rise,
The sea began to rout.’

But other broadside copies of later date exist, and thus the evidence this broadside supplies of Burns's acquaintance with the 1775-76 volume is only slightly corroborative. A much more important link in the cumulative proof is the fact that the volume contains the original of the song, 'The Taylor,' sent by Burns to the *Museum*, and generally assigned unconditionally to Burns himself. That song derives undoubtedly from a unique and curious production of some twenty stanzas, 'The Taylor of Hoggerglens Wedding,' which is included in a broadside dated 3rd February, 1776. The two stanzas of 'The Taylor' sent by Burns to the *Museum* were merely selected from the broadside song, all that is really his own being the final chorus:

'For now it was the gloamin,
The gloamin, the gloamin!
For now it was the gloamin,
When a' the rest are gaun, O.'

Although a rude, and even coarse, production, the broadside song is of interest as a rare specimen, in its probable entirety, of the lyric effusions of the older Scottish rustic muse. It gives a graphic and uncompromisingly literal account of the adventures of a travelling tailor of the olden time, and relates with humorous fidelity his courtship of the heiress of a farmer's widow. The idyll is not one of rustic innocence, but all ends morally and happily enough in the tailor's apotheosis as laird of the farm:

'And now the taylor's married,
is married, is married!
And now the taylor's married—
made laird o' Hoggerglens O!'

But it is, perhaps, time to introduce the original 'Charlie He's My Darling,' or at least a portion of it, for there are several stanzas, which, after the lapse of a century and more, no longer quite accord with current notions of propriety:

'It was on Monday morning,
right early in the year,
That Charlie he came to this town,
recruiting grenadiers.
And Charly is my darling,
my darling, my darling,
And Charlie he's my darling,
the young Chevalier.

‘Charlie He’s My Darling’

‘As he came walking up the street,
the city for to view;
He spy’d a maid, both young and sweet,
at a window looking through.
And, etc.

‘Then he pull’d out a purse of gold,
it was as lang as her arm,
Here take you that, dear Jenny,
it will do you no harm.
And, etc.

‘Its up the rosy mountain,
and down the scroggy glen,
We dare not go a milking
For Charly and his men.
And, etc.

‘And on her best, herself she drest,
most comely to be seen,
And for to meet her true love
she’s gone to Aberdeen.
And, etc.

‘But when she came to Aberdeen,
this bony lowland lass,
There she found her true love
was going to Inverness.
And, etc.

‘But when she came to Inverness
she curs’d the day and hour
That her true love was forc’d to fly
and leave Culloden Moor.
And, etc.

‘Now he’s gone and left me,
I’m forced to lie alone,
I’ll never choose another mate
till my true love come’s home.
And, etc.

‘If I were free, at liberty
and all things at my will,
Over the see I soon would be,
for I vow I love him still.
And, etc.

‘And now my song is ended;
I hope I have said no harm.’

The ballad, it will be seen, is very dubiously Jacobite in sentiment. Most probably it has reference to the affair of Clementina Walkinshaw. She rejoined Prince Charlie in France on his escape from Scotland and became the mother of Charlotte Stewart, whose hard fate in being debarred from her supposed heritage, the throne of her ancestors, is lamented by Burns in 'The Bonie Lass of Albanie.'

The fine stanza in the 'Charlie' ballad beginning

'Its up yon rosy mountain'

seems related to some song on Charlie's wanderings while in hiding, the 'men,' it may be, being originally those not of Charlie but of Cumberland, who were nearly always swarming in the neighbourhood of Charlie's hiding places. The words 'sae comely to be seen,' of another stanza, are also worthy of remark. They occur in the ballad of 'John of Hazelgreen,' whence Scott introduced them into 'Jock o' Hazeldean,' and they may occur in other old ballads, so that the author of this curiously unequal production was probably well versed in old ballad literature.

In any case this broadside version—wherever Burns may have seen it—is clearly the original of the song sent by Burns to Johnson's *Museum*. It was from this piece of tawdry patchwork that he fashioned his consummately graceful lyric. His main emendations were those of omission: his own direct additions are slight in quantity, however remarkable in quality. He reduced his original from eighteen stanzas to five. In Stanza I. he superseded 'recruiting grenadiers' by the 'young Chevalier'; in Stanza II. he substituted a 'bonie lass,' used elsewhere in the ballad, for 'a maid both young and sweet'; for the desired romantic touch, wholly absent from the original, he had for Stanza III. recourse, as we have seen, to the stanza from 'Lord Thomas,' or rather three amended lines of it, introduced by his own inimitable

'Sae light's he jimpèd up the stair';

for Stanza IV. he condensed Stanzas IV. and V. of his original, substituting

'For brawlie weel he kend the way'

for

'For he had on his trousers,'

the stanza reading :

'He set his Jenny on his knee
All in his Highland dress ;
For brawlie weel he kend the way
To please a bonnie lass.'

a thoroughly rustic conception of the ceremonies of courtship ; and for his fifth and last stanza he selected the only supremely excellent one of the original almost unchanged, but for the substitution of 'heathery' for 'rosy' in the first line :

'Its up yon rosy mountain,' etc.

But the seeming slightrness of the amendments, the result obtained being considered, only the more strikingly attests the delicate artistic gifts of the amender ; and perhaps the Bard, in his rôle of vampir, never did more brilliantly. Moreover, he had the satisfaction of transforming, by a few touches of his magic wand, a dubiously Jacobite ballad into a lyric, which up till now has been accepted by many as one of the chief achievements of the Jacobite muse.

T. F. HENDERSON.

Greyfriars in Glasgow

IN the year 1391 Glasgow came in a rather peculiar way into contact with the Friars-minors. In March of that year Pope Boniface IX. issued letters to the Chapter of the Cathedral, to the clergy and to the people of the City and Diocese, on the death of Cardinal Walter Wardlaw, Bishop of Glasgow, appointing John Framysden, a Friar minor in priest's orders to the See. This provision by the Pope did not hold, however, as we find that Matthew de Glendenwin, Canon of Glasgow and Rector of Cavers in the Diocese of Glasgow, Master of Arts,¹ was consecrated in 1387.² Cardinal Wardlaw died in that year, so that Pope Boniface was several years too late in making his provision in favour of the Friar.

If John Framysden had become Bishop, it is safe to say that his order would have obtained an earlier settlement in our city than it did. In the actual course of events, more than eighty years elapsed before the first recorded establishment of the Franciscans in Glasgow took place.

When Æneas Sylvius Piccolomini, after his well-known and remarkable early career, ascended the Papal throne as Pius II. in the year 1458, he left behind him the intrigues and questionable devices of his earlier years, and proved an able administrator and a decorous and zealous Head of the Church. He had been employed in diplomatic missions (1432-35) before he took orders, and had visited Scotland and England, and thus knew our country from personal observation.

A recent historian has pictured him as coming 'into the frozen North like a shivering Italian Greyhound on a curling rink.'³ He has shivered, however, it must be admitted, to some purpose, as he has left two inaccurate and somewhat contradictory, but

¹ Bliss, *Calendar of Papal Registers (Papal Letters)*, iv. 222.

² *Reg. Epis. Glas.*, i. 293. A charter regarding the Hospital at Polmadie is dated 1391, this year being called the fourth since Bishop Glendinning's consecration.

³ Lang, *History of Scotland*, i. p. 315.

yet interesting accounts of his visit.⁴ His interview with James I. forms the subject—treated in a very fanciful way—of one of the celebrated fresco-paintings by Pinturicchio on the walls of the Library of Siena Cathedral.⁵ The background of the fresco is a conventional Italian landscape in all the bloom of summer—the real month was December or January—the Court of King James is seated out-of-doors under an Italian portico, and the king on the throne is a venerable old man with a long grey beard. So much for the truth of contemporary art.

The future Pope arrived at Leith after a very stormy voyage from Sluys, and in performance of a vow made on board ship, when shipwreck seemed imminent, his first care on landing was to set out barefoot on a pilgrimage to the most celebrated shrine of Our Lady in the East of Scotland. This was Whitekirk (*Ecclesia quae vocatur Alba*) in Haddingtonshire, a charming old Church still used for divine service. Æneas, by this walk of ten miles, in wintry weather over roads not too well made, so injured his feet that he had to be carried back to Edinburgh in a litter, and it seems that he was lame during the rest of his life.⁶

One result of his visit was, that as an early Traveller in Scotland he had personal knowledge of the country, and thus, when he became Head of the Church, he was impelled to make provision for what he considered its religious wants. Accordingly on 9th June, 1463, in the fifth year of his Pontificate, he issued a Bull to the Vicar-general of the Ultramontane Province of the Observant Franciscans.

The Observants originated towards the end of the fourteenth century in a desire to return to the primitive observance of the rule of St. Francis. In 1415 they obtained formal recognition from the Council of Constance, and were assigned a separate head or Vicar-general.⁷ They ultimately obtained from the Pope precedence over the Conventuals, as the older section was termed. At the dissolution they numbered about twelve houses in England, and eight or nine in Scotland. It was to this section of the Greyfriars that the Pope in 1463 issued his Bull. In it

⁴ Hume Brown, *Early Travellers in Scotland*, p. 24.

⁵ Kitchin, *The North in the Fifteenth Century* in *Ruskin in Oxford and other Studies*, p. 236.

⁶ *Ibid.*, p. 235. It was put forward as an objection to his election as Pope in 1458 that he was a cripple, and thus could not take part with the necessary dignity in the ceremonies falling on him as the Head of the Church.

⁷ Little, *Greyfriars in Oxford*, p. 88.

he states that he has lately learned through devotion of his most dear daughter in Christ, Mary, illustrious Queen of Scotland,⁸ and her people, that at the request of certain Merchants, the Vicar-general has sent certain brethren of his Order, for the purpose of preaching, into that country in which as yet no house of Observant Friars has been erected, although this would seem to be in the highest degree both useful and consonant to the desires of the people. 'We, therefore,' the Bull proceeds, 'who desire the salvation of all, by these presents grant to you, and to your successor for the time being, liberty within the said Kingdom of Scotland to erect, found and build or to accept equally freely three or four Friaries (*tres aut quatuor domos*) in the event of any persons being found who are led by pious motives to their foundation and erection: As also to receive under the rule of your Order two or three houses of Conventual Franciscans (*duas aut tres domos Conventualium*) where the wiser part or majority consents thereto: Always provided that the Ordinary (*i.e.* the Bishop) agrees to this.'⁹

It will be noticed that the Pope states that he is aware that before the date of this Bull (1463) brethren of the Order of Observantines had been sent into Scotland for the purpose of preaching, but he adds that 'no house of Observant Friars has been erected.' It is evident that these words must be understood in a special sense—that by 'erected' is meant legally sanctioned by the Church—for one or more Observant Convents had found a location in this country before this date.

No time was lost in formally establishing several houses of the Observant Order. Friaries were founded in Glasgow, Ayr, Elgin, Stirling, and Jedburgh. They had already been located in St. Andrews, Edinburgh, Aberdeen, and Perth, and were now taken over as regular Observant houses.

The Observants were a protest from within against the laxity of discipline which was sapping the devotion and piety which characterised the early Franciscans. They thus had, to some extent, the elements of vitality attaching to all real reforming movements.

In Scotland they found a welcome not only from the King and nobles, but also from the Clergy and people.

In Glasgow they were settled between 1473 and 1479—the exact year is uncertain—on a site gifted partly by John Laing,

⁸ The Queen Dowager, Mary of Gueldres mother of the young King James III.

⁹ *Monumenta Franciscana*, ii. p. 264.

Bishop of Glasgow, and partly by Thomas Forsyth, Rector. This ground, the northern portion of which was part of the lands of Ramshorn, belonging to the Bishop, and the remainder part of a croft belonging to the parsonage, was situated immediately to the west of Greyfriars' Wynd, now known as Shuttle Street.¹⁰ It did not front the High Street. True to their principles of humility and poverty, the Minorites were content with a site behind the yards and gardens of the burgesses, which stretched back from their dwellings, facing the High Street, to a narrow lane.¹¹ This lane formed the access to the House of the Franciscans, and thus came to be called Greyfriars' Wynd. From the fact that the site obtained by the Friars was given to them by the Bishop and Rector, we infer that the coming of the Friars met with the express approval of the Bishop and his Clergy. This ground, slightly extended as afterwards noticed, was, as far as is known, the only landed possession in the City belonging to the Minorites. Hence they had no Chartulary to record transmissions. King James III. confirmed them in this site, by Charter under the Great Seal, dated 21st December, 1479.¹²

In 1511 Archbishop Betoun, and Robert Blacader, then parson of Glasgow, for their respective interests, conveyed to the Friars a small additional strip of ground on the west, for the enlargement of their Friary and gardens.¹³ This ground, so far as it formed part of Ramshorn, was twenty-two feet in breadth, and the portion given by the parson who acted with consent of the Chapter, was twenty feet in breadth. The pieces, taken together, extended from north to south along the whole length of the wall enclosing the Friars' property on the west. We learn one or two particulars regarding the Friary from the Protocols in which these infeftments are recorded. Thus we know that

¹⁰ The writer is indebted to Mr. Robert Renwick, Depute Town-Clerk of Glasgow, editor of *Glasgow Protocols*, for valuable suggestions and corrections. Mr. A. B. M'Donald, City Engineer, and Mr. Renwick have collaborated in the preparation of the *Sketch Plan* of the site and surroundings of the place of the Greyfriars, which is in itself an illuminating contribution to sixteenth-century Glasgow topography.

¹¹ This is shown by a Protocol printed in the *Diocesan Registers*, vol. ii. p. 71. See *Sketch Plan*.

¹² *Reg. Mag. Sig.*, 20 Jac. iii. No. 1434. By this Charter their convents in Edinburgh, St. Andrews, and Aberdeen, as well as that in Glasgow, were confirmed to the Friars. The consideration moving the King to this is stated to be the singular favour and devotion which he bore towards them as well as his soul's safety.

¹³ *Diocesan Registers of Glasgow*, ii. pp. 431, 435.

the Friary gardens stretched to the west, and that they were surrounded by walls, and that it was for extension not only of buildings, but also of the gardens, that these additional pieces of ground were required. At this time Friar John Johnson was Warden (*Gardianus*)¹⁴ of the Glasgow house, and he took instruments from a Notary as evidence that possession had been given to Brother James Pettigrew, Provincial of the Order in Scotland, on behalf of the Friars and their successors.¹⁵ It was a comparatively small addition which was obtained at this time, but, even this, it is carefully recorded, they held in virtue of a special concession from the Pope enabling them to acquire such property adjoining their houses as might be necessary to improve the accommodation or amenity. The Dominicans and Minorites were thus both within almost a stone's-throw of each other in Glasgow, and there would doubtless be occasional bickerings between them. Yet each would stimulate the other to more zeal, a quality in which neither Dominicans nor Franciscans were wanting. More than two hundred years before this date, the unfortunate Jacques de Molay, last Grand Master of the Templars, in a letter written to Pope Clement V., quotes the friendly rivalry of the two Orders of Friars, as an argument against the fusion of the Templars and Hospitallers, which was proposed by the Pope. His words are so interesting, that I venture to quote them: 'There is,' he writes, 'an outstanding example of the advantage of friendly rivalry in religion in the case of the Friars' Preachers and Minorites, who have many better and more famous members than would be the case if both religious orders were fused into one, since each bends its energies to have more excellent men than the other, and trains its members as much to their

¹⁴The word '*Gardianus*,' according to the General Statutes of the Order enacted at Barcelona in 1451, is the official title of the head of a Convent (*conventus*). This latter name is to be applied only to places founded by Papal authority in which at least twelve brethren can be comfortably accommodated. If the term *Gardianus* is used in its strict sense it follows that from its employment in the Protocol at least twelve brethren could find suitable accommodation in the Convent at Glasgow. (Cf. *Mon. Franc.* ii. p. 106.)

¹⁵*Diocesan Registers of Glasgow*, ii., pp. 432, 435-6. James Pettigrew (Petigreu, Pedigrew) is commemorated in the Obituary of Aberdeen as follows: '7th January, Death of the reverend father Friar James Petigrew provincial minister of this province, a father in every way famous. For he was most enlightened in the highest points of sacred lore and a shining example of entire religious devotion. Before receiving the office of minister he thrice ruled the province well and worthily in the office of provincial. Anno Domini 1518.' (*Monumenta Franciscana*, vol. ii. p. 123.)

holy Office as to exhortation and preaching the Word of God, and all this contributes to the benefit of Christian people.'¹⁶

No doubt there is truth in this view, but it shuts the eyes to the jealousies caused by religious rivalries. In a limited sphere such as Glasgow then was, these jealousies tended at times to break out into open opposition.

Unfortunately, we have no materials which would enable us to construct a connected history of the Order in Glasgow, or elsewhere in Scotland. All that can be done is to glean a very few scattered notices.

Two years after the date when the additional ground was acquired, viz. in 1513, the curtain is again lifted, and we see, on Saturday, 9th April, at two o'clock in the afternoon, a small gathering of clerics before the door of the manse of the Treasurer of the Glasgow Diocese, Alexander Inglis, who lies within his house, sick in all likelihood of a mortal malady. This little group of five consists of four Observant Franciscans belonging to the Glasgow Convent, who along with Master Andrew Sibbould, Prebendary of Renfrew, have been drawing up and witnessing the Testament of the sick man.¹⁷ The Franciscans are Brother John Johnston, Warden, and Brother John Tennand, Cleric, and Alexander Cottis and Thomas Bawfour, lay-brothers. We know from the Diocesan Registers that the Treasurer died soon afterwards, as we find a claimant to his vacant stall in the Cathedral, sending his Procurator on Saturday, 2nd July, to take formal possession on his behalf. This he did by keeping the seat warm by sitting in it at all the services for three consecutive days.¹⁸ At the same time the Executors, nominated by the late Treasurer, appeared in the Cathedral, and declined to accept the office to which they had been appointed. There were four witnesses to this formal step, one of whom is Brother John Akinhede, Observant Friar Minor.

We have no further records of the Friars in Glasgow till the year 1539, when there occurred the trial for heresy and burning at the stake in our City of two persons, one of whom was Jerome, or Jeremy Russell, a Franciscan Friar. Details of his trial and death are given by Knox, but we are not informed if he belonged to the Glasgow Convent, and no particulars of his previous career are set forth.¹⁹

¹⁶ Delaville le Roux, *Cartulaire des Hospitaliers*, T. iv. No. 4680.

¹⁷ *Diocesan Registers of Glasgow*, ii. p. 486.

¹⁸ *Ibid.* p. 495.

¹⁹ Knox, *Works* (Laing's Edition), vol. i. p. 63. Tytler, *History of Scotland*, vol. v. p. 225.

Coming down to the period of the Reformation, the Protocols of the Town Clerks disclose to us the fact that Brother James Baxter was one of the Franciscans ejected from their House here.²⁰ In the autumn of 1559, as stated in Leslie's *History*, there had been attacks on the Churches and Religious Houses in the City. We are told that Châtelherault, Argyll and Arran, along with some others, came to Glasgow, and, to use the words of Leslie, 'profaned the sacred things hitherto unviolated.'²¹ The Greyfriars suffered among the other religious orders. Their house here was attacked, and they themselves driven forth.

It is often supposed that the Mendicant Orders must have been worse than their neighbours, seeing that they were the first to suffer in these popular tumults. This view is not tenable. All that happened to them resulted from the fact that they bulked more largely in the public eye, and were living surrounded by the lawless element at all times to be found in towns. They were known to the people, for they were continually mixing among them. Their houses were known also, and being easily accessible and undefended, were convenient objects of attack. It was the handiness of situation in the towns that made the Friaries the first religious houses to be devastated, not the character of the inmates. Whatever the faults of the Friars were, it cannot be said that they lacked zeal and energy. In many cases they were distinguished for cheerful devotion to duty. If they were found grasping after money, it must be remembered that it was not for themselves individually but for their Order.

The truth is that the emancipation of intellect brought about by the Renaissance was reaching our land, and was bearing fruit of a very unripe quality. The old faith and the old forms were being submerged, and in the upheaval thus caused, the froth was coming to the surface, and lawlessness and tumult, never far absent in our early history, were taking the opportunity to do their worst. The Friars were being pushed aside as one of the institutions of a worn-out age.

Some of the more cultured members of the Mendicant Orders became pioneers of the new learning. Some suffered martyrdom as pioneers have often to suffer. Others had to retire into obscurity, after waging a losing battle with obscurantism.²² At

²⁰ *Glasgow Protocols*, vol. v. No. 1370.

²¹ Leslie, *History of Scotland* (S.T. Society), vol. ii. p. 428.

²² Friar Matthias Doring is an interesting case in point. In 1461 he had to retire from his position of prominence in the Conventual branch of the Order. (*Vide Little, Greyfriars in Oxford*, p. 256.)

the same time one has to keep in mind that there is some evidence of popular sympathy with the Friars in various quarters. The Satirists of the time, who do not spare them any more than they spare the Monks and Secular Clergy, show us by many indirect touches that they look upon the Mendicant Orders as in many ways carrying on religious work with vigour and earnestness, and combining with it a knowledge of physical science, which gives them a place among the leaders of thought in that age. Sir David Lindsay makes the pretended Friar, 'Flattrie,' say to the King:—

I sweir to you, Sir, be Sanct An,
Ye met ne'er with ane wyser man,
For monie a craft, Sir, do I can,
War thay weill knawin :
Sir, I have na feill of flattrie,
But fosterit with philosophie,
Ane strange man in astronomie,
Quhilk sal be schawin.²³

We see, also, from side allusions, that those Friars who had recently arrived in Scotland, were more decorous in demeanour as a class than the Conventuals who had been here for a lengthened period:—

'And let us keip grave countenance
As we were new cum out of France.'²⁴

It would be out of place here to discuss the evidence which exists, that the Church generally, and not the Friars alone, had fallen away from early ideals of purity and devotion.

To return to the Greyfriars in Glasgow. In the year 1522 a certain James Baxter was rentalled 'be consent of Jhone Smyth's bayrnis' in the xliiis. xd. land of Haghill.²⁵ In 1560 'James Baxter, Friar Minor, now ejected' assigns to his kinsman, Mr. Robert Herbertsoun,²⁶ 'the four merk land of Haghill, then occupied by Robert Graye and George Graye, lying in the Barony of Glasgow, in which lands the said James was rentalled by the Archbishop of Glasgow, superior thereof.'²⁷ Mr. Renwick is of opinion that this latter James Baxter and the Rentaller of 1522 are the same person. This cannot be proved, but seems very likely. At all events the Friar was a Glasgow

²³ *Satyre of the Three Estates* (Laing's Edition), ii. p. 51.

²⁴ *Satyre of the Three Estates*, vol. ii. p. 41.

²⁵ *Diocesan Registers of Glasgow*, i. p. 84.

²⁶ Herbertson was chaplain of the Chaplainry of SS. Peter and Paul in the Cathedral (*Glasgow Protocols*, vol. v. No. 1380).

²⁷ *Glasgow Protocols*, vol. v. No. 1370.

man. He had an older brother called Robert who predeceased him. The latter is described as a Citizen of Glasgow, and was owner of a tenement in the City lying immediately to the east of the lands of Deanside, and thus quite close to the Greyfriars' Convent. James Baxter was his brother's heir, and in 1560 he conveyed all his right and title in the estate to Mr. Robert Herbertsoun.²⁸ Herbertsoun is called his kinsman, and we learn that he was chaplain of the Chaplainry of St. Peter and St. Paul in the Cathedral. This Chapel was one of the four altars or Chapels at the east end of the Lower Church, and was situated between that of St. Nicholas on the North, and that of St. Andrew on the south.²⁹ It was founded by Mr. Thomas Forsyth, Canon of the Cathedral Church of Ross and Prebendary of Logy,³⁰ on 16th June, 1498.³¹ This is probably the same Thomas Forsyth, who, about twenty years before, had been Rector of Glasgow, and had joined Bishop John Laing in granting a site for the Greyfriars in the City. If this be so, then the friendly relations between the Observant Franciscans and the Chaplain of the Altar of SS. Peter and Paul, which evidently existed at the period of the Reformation, had their origin in the Founder of the Chapel in the Cathedral, and the donor of the site of the Greyfriars' Convent in Glasgow being one and the same person. These friendly relations, thus begun, had subsisted for a period of upwards of eighty years.

The conveyance by Friar James Baxter in favour of his relative was not successful in preventing the Friary from passing entirely out of the control of the Order. In 1562 the Privy Council passed an Act directing the revenues belonging to the Friars, among other Clergy, to be administered by persons appointed by the Crown for the benefit of 'hospitalities, schools, and other godly uses,' and the Magistrates of Aberdeen, Elgin, Inverness, and Glasgow, and other burghs where the Friars' places had not been destroyed, were instructed to make the maintenance of them a charge upon the common good, and to make use of them for the benefit of their respective towns until they were further directed.³²

It is not known whether at the date of this Act the House of the Greyfriars in Glasgow was still standing and available for 'schools and other godly uses.' In 1567 Queen Mary, by

²⁸ *Glasgow Protocols*, vol. v. No. 1371.

²⁹ *Book of Glasgow Cathedral*, p. 317.

³⁰ Now Logie-Easter, near Tain.

³¹ *Regis. Episc. Glas.* ii. p. 500.

³² *Charters and Documents of the City of Glasgow*, part I. p. lxxxiv.

Charter under the Great Seal, granted to the Magistrates, Councillors, and community of the City, the whole possessions of the Greyfriars in Glasgow, but this Charter expressly reserved to the Friars who were in possession before the change of religion the use of the revenues during their lives.³³ In all probability James Baxter, being an old man, did not enjoy long his share of the liferent thus provided, if, indeed, he was still alive at this date.

By the year 1575 the site of the House of the Greyfriars had become private property. On 23rd December in that year, Sir John Stewart of Mynto resigned 'the place formerly of the Franciscan Friars of the City of Glasgow, with the yards and surrounding wall, and sundry pertinents lying between the lands of the Rector of Glasgow and Medoflatt on the west, the lands of William Hegait on the south, and the common streets on the east and north.'³⁴ Here we have the boundaries of the Friary stated, and one notices that it is said to be bounded by streets on the east and north. The street on the east was not the High Street, as we have already seen, but a lane or vennel now occupied by Shuttle Street; that on the north being a street referred to in contemporary records as 'the common way of the Deneside' and again as the 'common road of the Denside.'³⁵ The east end of this road lay a little to the south of the present line of George Street, which it crossed toward the west. The road extended from the High Street to the Deanside Well, where it turned due north, and continued up the steep hill till it joined the Rottenrow.

The question presents itself—what extent of ground did the Friary occupy? In the absence of data, we can only arrive at an approximate conclusion. It is evident that the Brethren were finding themselves cramped by want of space in 1511, when the additional strip was acquired, from which one can be pretty safe in assuming that their original site was not very extensive. They had a walled garden towards the west, as we have seen,—and we may take it that the whole area possessed by them was only about an acre.³⁶

It seems clear from the contemporary notices which have come down to us, that one of the proximate effects of the Reformation was to lessen the importance and outward prosperity of Glasgow.

³³ *Glasgow Charters*, ii, p. 132.

³⁴ *Glasgow Protocols*, vol. vii. No. 2242.

³⁵ *Diocesan Registers*, vol. i. p. 365. Cf. note on p. 364.

³⁶ See *Sketch Plan*.

Before that time the city had several sources of wealth which were then cut off. These were connected with the Church, and its ceremonial observances, and after the Reformation there remained at first nothing to take their place. The Churchmen had their manes and the Dominicans and Franciscans their Convents, in the neighbourhood of the Cathedral. With the change of religion the Secular Clergy and the Friars took their departure or were expelled, leaving their habitations deserted, and thus one of the most flourishing and pleasant quarters of the town soon became ruinous. In fact, the city as a Bishop's burgh had depended very much on the coming and going of the Ecclesiastics of high and low degree, who brought custom to the shopkeepers, traders and fishermen, and gave importance to the town as the seat of a great Cathedral. All this was altered, and thus one is not surprised to find that in 1587 the state of affairs was so bad, especially in the north part of the city, where the Churchmen had dwelt, that the freemen and other citizens cast about to try to find a remedy. In that year they presented a petition to the Scottish Parliament 'makand mentioun that quhair that pairt of the said citie that afoir the Reformation of the Religioun wes intertenyt and uphaldin be the resort of the Bischop, Parsonis, Vicaris and utheris of clergie for the tyme is now becum ruinous, and for the maist pairt altogidder decayit, and the heritouris and possessouris thair of greitly depauperit, wanting the moyane not onlie to uphald the samin bot of the intertenement of thame selfis, thair wyffis, bairnis and famelie.'

This description is very different from that given by Bishop Leslie of the state of matters before the Reformation. Even allowing for his prepossessions in favour of the old form of religion, it seems evident that the town had gone back in wealth since the change of faith. He says in a well-known passage in his history—'Surlie Glasgow is the maist renoumed market in all the west, honorable and celebrate: Afore the haeresie began thair was ane Academie nocht obscure nathir infrequent or of ane smal numbir, in respecte baith of Philosophie and Grammer and politick studie. It [the market] is sa frequent, and of sik renoume, that it sendes to the Easte cuntreyes verie fatt Kye, Herring lykwyse, and salmonte, oxne-hydes, wole and skinis, buttir lykwyse that nane bettir and cheise.'³⁷

³⁷ Leslie, *History of Scotland*, Dalrymple's Translation (S.T.S.), vol. i. pp. 16, 17. The translation is faulty, the order of the sentences being different in the original. It is questionable if Leslie's words support the view taken above. See Leslie, *De Origine* (1578), p. 11.

Evidently the historian speaks from pleasant, personal experience of the roast-beef, butter and cheese of the Western City. It is a rosy picture of the Pre-reformation state of the town, and although possibly a little over-coloured, still the evidence otherwise available points to its substantial truth.

Our citizens, however, did not sit still under this temporary depression. Action, as we saw above, was taken, and the result was an Act of Parliament (1587, c. 113) appointing an influential Commission, at the head of which were Robert, Lord Boyd, and Walter, Commendator of Blantyre, along with the Provost and Bailies, and one half of the Council of the city, in order to go into the matter, and 'tak ordour as thai sall think maist expedient for relief of the decay and necessitie of that pairt of Glasgow abone the Greyfriar Wynd thair of ather be appointting of the mercate of salt, quhilk cumis in at the Over Port or the Beir and Malt mercat upon the Wynd Heid of the said Cietie, or sic uthair pairt thairabout quhair the saids Commissioneris, or the Maist pairt of them, sall think maist meit and expedient.'³⁸

The action taken by this Commission resulted, no doubt, in additional importance being given to the trade of that part of the town. We know that the fair was for many years proclaimed annually at Craigmak or Craignaught, part of which had been given as a site for the Friary.³⁹ The remainder of Craigmak lay immediately adjoining the walls of the Friary buildings,⁴⁰ and the fact that a Court was held here once a year 'upon the fayr ewin' for the express purpose of formally proclaiming 'the peace of the fair' gave rise to the curious and erroneous notion stated by M'Ure in his *History of Glasgow*,⁴¹ that the annual fair owed its origin to the Franciscans. Craigmak was perhaps chosen as the place of proclamation from its

³⁸ *Acts of Parliament of Scotland*, vol. iii. p. 505.

³⁹ *Glasgow Protocols*, No. 1745. In the Rental of Temporalities preserved in the General Register House, the following is included in Glasgow Parsonage: 'The feu-ferme of ane pece land callet Craignaucht, extending to ane aiker of land or therby, liand in the Baronie of Glasgow and Sherefdom foirsaid, set in few to William Hegait and Jonet Grahame, his spouse, extending yairlie to xij.s, with xvj.d. of augmentatiown inde the yair complet 13/4d.' I am indebted to Mr. Renwick for this transcript. He adds: 'The Parson of Glasgow seems to have been owner at one time not only of the Greyfriars site, but also of a considerable portion of adjoining land.'

⁴⁰ In one of Michael Fleming's Protocols of date 2nd March, 1531 there is reference to 'ane pece of land lyand on the baksyd of the Greyfreris callit Craegmak.' *Glasgow Protocols*, vol. iv. No. 1061.

⁴¹ M'Ure, *History of Glasgow* (Edition 1830), p. 57.

being a ridge of high ground in the neighbourhood of the place which had, for many years, been rendered sacred by the residence and ministrations of the Greyfriars. The ground on which markets were held was privileged. Sir James Marwick, after pointing out that the markets in Greece were under the protection of the gods, proceeds to observe that 'the same feeling may have had something to do in times more modern, with the selection of consecrated ground around Churches, or of ground associated with the lives and labours of famous saints.'⁴²

There are some interesting points connected with this fencing of the fair each year on 6th July, and the ceremonies which accompanied it. For example, David Coittis, 'mair of fee' or hereditary officer in the barony, in 1581,⁴³ and again in 1590,⁴⁴ proclaimed 'the peace of the fair upon the Greyne,' while the Town Officer, Richard Tod, proclaimed it at the Cross upon the Tolbooth stair. The Court that fenced the fair was called the 'Heid Court of Craignache,' but it confined itself to the one act of administration and continued the other causes that came before it to a more convenient season and place, 'conforme,' as the Record in 1607 bears, 'to ald use and wount.'⁴⁵

The University acquired right to the Franciscan Convent and pertinents in 1572-3, under the well-known 'Charter by the Provost, Bailies and Councillors of the City granting to the Pedagogy, or College, for the maintenance of a principal, being also a professor of theology, two regents and teachers of philosophy and twelve poor students, all the Kirk livings which had been bestowed on the Burgh' by Queen Mary's Charter of 1566-7. The buildings may have been kept up, and in occasional use for University purposes for many years after the Reformation. We have seen that Sir John Stewart of Mynto was in possession of the 'place formerly of the Franciscan friars' in 1575, and in an informing note to the Glasgow Protocols, Mr. Robert Renwick points out that 'he probably acquired it, in return for payment of rent or feu-duty,' and that the College became the landlords, or superiors, and entitled to the annual rent or feu duty under the Charter of 1573.⁴⁶ Sir John Stewart

⁴² *Some Observations on Primitive and Early Markets and Fairs*, by Sir James D. Marwick, LL.D., p. 32.

⁴³ *Extracts from the Records of the Burgh of Glasgow, 1573-1642* (Burgh Records Society), p. 88.

⁴⁴ *Ibid.* p. 154.

⁴⁵ *Ibid.* p. 267.

⁴⁶ *Glasgow Protocols*. vol. vii. p. 130.

was Provost, and in that capacity granted the Charter to the College. Evidently he was much interested in the prosperity of the University.

The Order played an important part in the religious life of Scotland before the Reformation, as, indeed, it did over all the Christian world. As Miss Mary Bateson observes: 'By tact, knowledge of the world, and cheerful humour, the Franciscans soon obtained great secular influence. As confessors to the King and Queen, to bishops and noblemen, they were in control of important consciences: the papacy supported them and found them useful agents.'⁴⁷

In England they furnished an Archbishop of Canterbury in the person of John Peckham (1279 to 1292), and although the Pope did not succeed in his attempt in 1391 to give Glasgow a Bishop from the ranks of the Order, yet we know that here, as elsewhere, it wielded a certain influence as soon as it was established. This influence would doubtless have been greater had the Order arrived in Glasgow earlier.

Many proofs of the power exercised by the Greyfriars are to be found in the notices, satirical and otherwise, scattered through early Scottish Literature. It is clear that they had to be reckoned with in the religious and secular life of the Country. Even Dunbar, in his more solemn moments, turns to the Friars to find the necessary environment:

'Amang thir freiris, within ane cloister,
I enterit in ane oritorie,
And kneling down with ane pater noster,
Befoir the michti King of Glorye,
Having His passioun in memorye,
Syne to His Mother I did inclyne,
Hir halsing with ane gaude-flore;
And sudantlie I slepit syne.'⁴⁸

JOHN EDWARDS.

⁴⁷ *Mediaeval England*, by Miss Mary Bateson, p. 226.

⁴⁸ Dunbar, *Poems* (S.T.S.), vol. ii. p. 239.

The Ruthven of Freeland Barony

THE validity of the assumption of the Ruthven of Freeland title in the eighteenth century, after the extinction of the male issue of the first lord in 1701, has been so long and so vigorously impugned that one is glad to have at last an elaborate defence of it from one who is described by no less an authority than Mr. Maitland Thomson as the 'best all-round historical antiquary' in Scotland. We may fairly assume that all that can be said in favour of that assumption has been said and ably urged in Mr. J. H. Stevenson's monograph on *The Ruthven of Freeland Peerage*.¹ Welcome also is the article by Mr. Maitland Thomson himself,² in which he endeavours to weigh the arguments on both sides, and which shows at least that the critics' case cannot be so lightly disposed of as Mr. Stevenson would persuade his readers.

The fact is that Mr. Stevenson's treatise is essentially that of an advocate, urging his points with all the vigour that one expects in an address to a jury. The effect may seem at first sight convincing, but when his arguments are analysed in cold blood, they will be found to add very little to our existing knowledge of the question. As I had occasion, long ago, to insist in an article on 'The Determination of the Mowbray Abeyance,' published in the *Law Quarterly Review*, such arguments as the official recognition of a title are effective enough in absence of rebutting evidence proving that such recognition has often been accorded in error. My arguments, I am glad to say, have borne practical fruit, for such evidence will, in future peerage cases, be subjected to expert criticism.

The great difficulty I experience in replying to Mr. Stevenson, is that—like those who have preceded him—he persistently ignores my own points which tell against his case, thus compelling me to repeat and even to reprint them once more.

¹ Glasgow: MacLehose, 1905.

² *Scottish Historical Review*, vol. ii. p. 104.

A controversy conducted on these lines might last to 'the crack of doom.'

It is well recognised that a wider issue is raised by this question than the validity of one title. No less a writer on the British Constitution than Sir William Anson has deemed the absence of any certain bar to the wrongful assumption of Scottish peerage dignities a flaw in our existing system. This is, I know, a tender subject, and—possibly because I am an Englishman—I have been sharply criticised, north of the Tweed, for venturing to take it up. Even Mr. Maitland Thomson, I am truly sorry to see, speaks of my 'denunciation of the "unaccountable perversity" of those Scotsmen who will not help him to set up a sort of Public Prosecutor of untested peerages.' It is strange that he should not perceive that it is precisely because, in the absence of a counter claimant, it is 'nobody's business' to test assumptions that they may obtain that general recognition which seems to Mr. Stevenson so convincing, but which, as we shall see, proves nothing.

Even as I write we are all reading of the 'Irish Peerage Romance' concerning a gentleman who, in the late reign, assumed a peerage which never existed but for six or seven years under Charles I., and is recognised to have been extinct since 1634. Yet, according to the newspaper report of the case, both the Judge who tried the case and the Irish Solicitor-General spoke of him as 'Lord Carlingford,' while his daughter deposed in the witness-box that she had been presented as a peer's daughter at a Dublin drawing-room. Why not? It is no secret that the right to a certain title, the assumption of which is universally recognised at Court and elsewhere, has never been, and, it is alleged, never could be proved. I may add that to my own knowledge this case causes anxiety in an official quarter. Again, there is at least one English peerage title which is at present persistently assumed, to the occasional bewilderment of the judges in our courts. All students of the subject are, or should be, aware that it is as possible now as it ever was for a Scottish peer to sit in the House of Lords, whether by election or by the bestowal of a United Kingdom peerage synonymous with his own, without having ever proved before the Committee for Privileges that he is a peer at all.

Verb. sap.

Again, as an instance of the existing confusion, it is possible for the same individual to be presented at Court as a Scottish

peer on the authority of one Minister and informed by another that he has no official knowledge of the fact that he is a peer. When one is behind the scenes, one learns some strange things. Well might the then Lyon find himself driven to admit, before the Lords' Committee in 1882, that

'in Scotland there are individuals as to whom it may be a matter of dispute as to whether they are peers.'

The admission was a very reluctant one; for, as I have said, the point is a tender one, and Scotsmen appear to be passionately attached to this curious system—or lack of any.¹

Space obliges me to hurry on, but I have been compelled to say thus much, because Mr. Stevenson endeavours to make a great point of 'an acquiescence so long and so uniform' in the Ruthven assumption, which compels its assailants to 'meet the presumption in its favour.' He cannot be ignorant of the then Lord Clerk Register's reluctant admission, before the same Lords' Committee, that

'As the law now stands, the title may be held for generations by persons who have never taken any steps whatever to establish their claim'

—for this, together with Lyon's admission above, was conspicuously cited in my original paper which he selected for his criticism. Nor can he be ignorant of the evidence I adduced that other Scottish assumptions had been as fully recognised, for this I explained at great length. Yet his treatise certainly conveys the impression that it would have been out of the question for such an assumption to obtain recognition if it had been invalid, and he further endeavours to prejudice the question by insisting on the heinousness of the *mala fides* that its wrongful assumption would have involved. I must really observe that those who are conversant with the history of the Scottish peerage in the eighteenth century cannot look on a wrongful assumption as a rare and dreadful thing or imagine that the conduct of those who so assumed titles was deemed in any way heinous by themselves or by others.

Nothing as yet has been adduced to shake my consistent theory that Ruthven is an accidental survival of the other similar assumptions in the eighteenth century; that the accident of its survival is explicable by its lucky circumstances, which saved it from the usual perils: (1) a challenge at a close election, and (2) the existence of a counter-claim; and

¹ Since writing this I read in a Scottish paper that the Earldom of Dunfermline has been 'assumed' by a Mr. James Seton.

that, if either of these causes had brought its assumption before the House of Lords, the claim of those who assumed the title would have been, and indeed must have been, rejected.

But let us come to grips.

I

Mr. Stevenson concludes his address by a vigorous peroration, in which he claims to have shattered at every point 'the supposed demonstration that this peerage of Ruthven of Freeland is extinct.' Let us see.

My first point in my original article was this :

I need hardly observe that, as Riddell reminds us, in cases where the contents of a patent are unknown the law (as laid down by Lord Mansfield, and as accepted and acted upon by the House of Lords) always presumes a limitation to the heir male of the body (p. 168).

As the contents of the Ruthven patent are admittedly unknown, that title has been extinct in the eyes of the law, as now understood and acted upon, for the last 180 years (p. 169).¹

What is Mr. Stevenson's answer to this? *He does not even attempt one.*

It is particularly interesting to find that Mr. Maitland Thomson goes even further than I do, holding, I gather, that the presumption of law is also the most probable presumption from the facts.

For the present he (Mr. Stevenson) leaves us still unable to resist the contention that Lord Mansfield's doctrine, the presumption for limitation to heirs male of the patentee's body, is properly applicable to the Ruthven case. And here its application would not, as in the Lindores and Mar cases, bring about any sharp conflict between the legal and the historical presumption.²

If it does apply, the peerage is extinct, and there is an end of the question.

II

The barony of Ruthven of Freeland is one of an interesting group created by Charles II. when in Scotland in 1650-1651. The four baronies, so far as I can find, were :

DUFFUS, 8th December, 1650. Limitation: *Unknown.*

COLVILL OF OCHILTREE, 4th January, 1651. Limitation: *Heirs male whatsoever.*

ROLLO OF DUNCRUB, 10th January, 1651. Limitation: *Heirs male whatsoever.*

RUTHVEN OF FREELAND. Date: *Unknown.* Limitation: *Unknown.*

¹This was written in 1884.

²*Scottish Historical Review, ut supra.*

Mr. Stevenson has shown (p. 2) that the creation must be placed somewhere between 30th March and 24th May, a wide enough limit.

It is a singular fact that one other Scottish peerage, created within this limit—the earldom of Ormond, with its baronies—was held, after the Restoration, to have been an ‘inept’ creation, because, as with Ruthven, it had not passed the great seal.¹ I do not insist in any way upon this, but merely invite attention to the fact for what it is worth.

Now, I have always laid stress upon the fact, that, of these four baronies, Ruthven and Duffus were *in pari passu*, inasmuch as the limitation of neither was known. In each case the title was assumed after the death of the peer who was at once heir male and heir of line of the patentee and body, but, of the two assumptions, Duffus was the more justifiable, because Benjamin Dunbar was heir male of the patentee’s body. Yet this assumption has not been recognised. Then on what ground was Ruthven recognised?

The answer is simple: it is that, as I have always urged, in the Duffus case there was a rival claimant (the patentee’s heir of line); *in the Ruthven case there was not*.

Let me now briefly deal with the other two baronies. The Rollo patent, as is well known, was registered in the Great Seal Record in 1764, and the barony has never presented any difficulty whatever. Of the remaining dignity, Colvill of Ochiltree, I need only say that the assumptions of that title are selected by Mr. Maitland Thomson (p. 108) as being of the worst type, and that Riddell dismissed the first as ‘too absurd and preposterous to require comment.’² Yet this ‘mere pretender’ was allowed to vote *without protest* in 1783 and 1787, while the vote of a later pretender was accepted in 1847. We shall see the importance of this rebutting evidence, which Mr. Stevenson would like to ignore, when we come to his insistence on the fact that ‘the Ruthven vote had never been disputed,’ an argument to which ‘Riddell had no answer to make’ (p. 73).

I have compared the cases of Ruthven and Duffus, and I will now compare Ruthven with Oxenford, created ten years later (19th April, 1661). I do so because the two present extraordinary parallels. In each case the patentee was succeeded by his son and heir; in each, on the death of that

¹ Riddell, *Peerage and Consistorial Law*, pp. 67-8.

² *Op. cit.* p. 777.

son and heir, the title was assumed by his (female) heir of entail (1701 and 1705); in each the first vote tendered in respect of that assumption was in 1733; in each that vote was accepted; in each there had been a coronation summons; in each possession of the title is appealed to; yet that Oxenford assumption was pronounced invalid. Why? Because *there was a counter-claimant*, whose petition brought the matter before the House of Lords. In the Ruthven case there was not.

I must apologise for having to repeat all this once more; but until Mr. Stevenson faces, instead of ignoring, these arguments, there is no alternative.

III

I have said above that the two 'usual perils' to these assumptions were the existence of a counter-claim and a challenge at a close election. In the Ruthven case there never was and never could be a counter-claim, for, the limitation being unknown, only an heir male of the patentee's body could successfully counter-claim, and there has been no such heir since 1701.

Let us come then to the second point. According to Mr. Stevenson, I 'explain' that, of the eleven elections (out of thirty-three), at which James 'Lord Ruthven' voted till his death in 1783,—

at none of these was there (1) any counter-claimant for the right to vote as Lord Ruthven, or (2) a contested election in which his vote might have turned the scale (*Call. Gen.* 184).

Upon which he thus comments:

with regard to the second assertion, that Lord Ruthven never voted where his vote might have turned the scale, where is the proof of that? (p. 72).

My reply is, I am sorry to say, that I never made the 'assertion' assigned to me by Mr. Stevenson. Here is the passage to which he refers:

Wrongful assumptions were challenged in one of two ways: (1) by a counter-claimant, as in Oxenford and Rutherford. This was the normal and more frequent method, but could not apply to Ruthven, as there was no counter-assumption to raise the question; (2) by the vote happening to turn the scale at a contested election, as in Newark and Lindores. *This was a very exceptional method, and the only important occasion on which it was enforced was the famous election of 1790, at which Lindores and Newark voted, but Ruthven (then a minor) did not.* We thus perceive that it was from special circumstances that the Ruthven assumption escaped challenge, whereas in the above cases these circumstances did not exist (*Call. Gen.* p. 184).

My assertion, it will be seen, is clear, namely, that the Ruthven assumption escaped the stormy election of 1790, which proved fatal to others, through the lucky circumstance of a minority at the time. As for the above 'James, Lord Ruthven,' *he had then been dead for years!*

It is a pity that Mr. Stevenson's indignation does not admit of his quoting me accurately or giving my arguments correctly.

IV

The question of the weight which ought to be attached to the acceptance, with or without protest, of votes tendered at elections of representative peers is one of wide interest. How far should it be accepted as rebutting the legal presumption of a limitation to the heirs male of the patentee's body?

In the particular case of Ruthven I had, in my original article, to dispose of two allegations in defence of the assumption:¹

(1) 'the votes given without protest by the third and later lords at Holyrood, at a time when every dubious vote was challenged.'

(2) (James, Lord Ruthven) 'voted at nearly all the elections of representative peers after his succession in 1732 till his death in 1783.'

Of the first of these I disposed by showing that when he first voted (1733) the next name on the lists was that of George Durie of Grange, whose vote was accepted '*without protest*, although his assumption was a notorious imposture.' And Mr. Stevenson admits that this was so. Behold how easy it was at that time to obtain the acceptance of an assumption!

Of the second I disposed by showing that it was wholly contrary to fact, James having only voted at eleven elections out of some thirty! This also Mr. Stevenson admits, though he seems to be much annoyed at my insisting on the fact.

Now, let it be clearly understood what is the point at issue, so far as Ruthven is concerned. Was it, or was it not, possible for the Ruthven assumption to continue obtaining, down to the death of Lord Ruthven in 1783, the recognition so lightly accorded it in 1733? Mr. Stevenson vehemently writes:

The counter-claimant and the closely-contested election, says Mr. Round, were the only² contingencies which a voter in an election of Peers in Scotland had to fear. The assertion is preposterous. There was no competition for the Earldoms of Wigton and Stirling; yet in Lord Ruthven's time the claimants to these titles

¹ They were adduced, at that time, in Burke's *Peerage*.

² I did not use the word 'only.'

were both ordered by the House of Lords to desist from styling themselves Peers till they had proved their right. There was no competition in 1766 or in 1767 for the right to vote as Earl of Caithness, nor was there any close contest, that we know of, impending; yet in both years the Lord Clerk Register challenged the right of James Sinclair, the sole (*sic*) claimant, to vote as the Earl. On the latter occasion Lord Ruthven was present and voting.

With every wish to be respectful to Mr. Stevenson, I must really call a halt at this amazing statement. The 'best all-round historical antiquary' in Scotland must be perfectly aware that on the death of Alexander, Earl of Caithness, in 1765, his earldom was, in Riddell's words,¹ 'exclusively claimed by *two asserted male heirs*—first, by James Sinclair . . . and, secondly, by a more remote relative, William Sinclair of Ratton.'

'William Sinclair also answered another protest by his opponent, James Sinclair, *as before*, at a Peerage Election in 1768, maintaining his, preferable claim; and that by the laws and practice of this country it is an established rule that where a collateral heir-male claims a peerage, he must first establish his right by a regular service as heir to the person who last enjoyed the dignity,' which, he added, 'James had not done . . . but, with the highest presumption, had assumed the dignity, which, by order of the Court of Session, in the litigation to be immediately noticed, he was obliged to lay aside' (Robertson's *Peerage Proceedings*, p. 319).²

Thus we discover, on examining the facts, that James Sinclair, on his own admission, was a poor and destitute man, without any interest in Caithness,³ who could not even produce a retour to show that he was heir male of the late Earl; that there was notoriously a counter-claimant of higher position, who was eventually adjudged to be the right one; that this counter-claimant's reason for not assuming the title or voting was only, as he tells us himself, that he deemed a service the necessary preliminary; and, finally, that the rival claims were actually *sub judice* (before the Court of the Macers) in 1767!

And now, what are we to say of Mr. Stevenson's argument that the Lord Clerk Register 'challenged the right of James Sinclair, the sole claimant, to vote as the Earl' in 1766 and 1767? Either he was ignorant of the above facts, in which case his authority is *nil*; or he knew of them, in which case I will only say that he must have seen that the case differed from that of Ruthven, and that the challenge of the Lord Clerk Register is abundantly accounted for by the notorious existence of a rival claimant and by James Sinclair's absence of proof that his was the rightful claim.

¹ *Op. cit.* p. 610.

² *Op. cit.* p. 611.

³ *Op. cit.* p. 612.

My answer to the case of Stirling is no less decisive and complete. On p. 74 Mr. Stevenson writes:

Mr. Round points out with truth that the exclusion of doubtful peers was not very strict when the claimant for the title of Lord Rutherford, actually next on the list to Lord Ruthven, was allowed to vote in 1733. But it must be recollected that in 1761 the House of Lords took order with these cases of Rutherford, Borthwick, Kirkcudbright, Stirling and Wigton, and that even in that time of setting all things right, not a whisper of any doubt about Lord Ruthven was ever heard.

Noting, by the way, that this last statement is amazing enough in view of what Mr. Maitland Thomson describes as the doubts 'handed down by Crawford, received by Macfarlane and Hailes,' I come straight to the point. Of these cases Stirling and Kirkcudbright are fully accounted for by the action of the claimants themselves, who, by petitioning for the dignities, had admitted that they had no right, as yet, to vote as holding them.¹ The Rutherford case had long been notoriously a public scandal, owing to the strife of the rival claimants, who had actually both voted at some elections, as the rival Kirkcudbright claimants had also done.

Of the five cases, therefore, there only remain two, Wigton and Borthwick, of which Wigton was a glaring case of baseless assumption. But these two cases will not avail Mr. Stevenson, for what he has to prove is that 'all things' were set right, and if it can be shown that even a single known wrongful assumption ran the gauntlet successfully, Mr. Stevenson's argument breaks down, for Ruthven may have done the same.

Such an instance is found in Newark, to which I have appealed throughout. Here again we have a parallel to Ruthven. Created ten years later, and limited to the heirs male of the patentee's body, the barony became extinct in 1694 on the death of his son. Then, as in the case of Ruthven and Oxenford, it was assumed by a female—Jean, the second lord's daughter, who died 1740, and was succeeded in the assumption by her heirs of line. Although both her sons, in succession vested in respect of the title, the House of Lords raised no question in 1761 with regard to it; and it was only the fateful election of 1790 (which Ruthven, we have seen, escaped) that brought it within their province and led to its condemnation.

¹ The petition of the Stirling claimant had been referred to the House of Lords, 2nd May, 1760. One of the Kirkcudbright claimants had petitioned previously.

That the exceptional action of the House of Lords was but a flash in the pan is shown by the Colvill of Ochiltree assumption. Mr. Maitland Thomson, indeed, writes: 'for claimants of the Colville of Ochiltree type there is justice in Scotland as swift and sudden as south of the Tweed,' but as a matter of fact, the claimant of that barony (1651) actually had his vote received in 1784 and 1787.

In short, my 'preposterous' assertion appears to be in absolute harmony with the reluctant admissions of the then Lyon and of Dr. Mackay, on the curious Scottish system before the Lords' Committee in 1882.

LYON.

184. Therefore the only occasion where a peer is liable to protest is, apparently, voting at the peers' election. 'Yes, practically. One would think the question might arise in many other ways whether a person was a peer or not, for in Scotland there are individuals as to whom it may be a matter of dispute as to whether they are peers; but practically it has been only at elections of peers that the question has been raised.'

DR. MACKAY.

471. Is there any form in which such a right can be challenged, except by a competitor or claimant for the same title?

'Practically at present there appears to be none, and *that appears to me to be a great defect in the existing condition of the law on the subject.*'

555. There is nothing whatever to prevent any one calling himself by any title he thinks fit?

'That is so.'

V

Mr. Maitland Thomson, recognising that the presumption of law is against the validity of the Ruthven assumption, raises the question whether 'the favourable evidence' is sufficient to rebut it. The question is, legally, whether the House of Lords would consider the reception of votes, the summons to coronation, etc., sufficient to outweigh the presumption.

Mr. Stevenson thus scornfully dismisses Riddell's argument:

When Douglas pointed to the historical fact that the Ruthven vote had never been disputed, Riddell had no answer to make to the argument. He was probably too well versed in his Robertson's *Proceedings* to attempt the assertion which Mr. Round has ventured, but rode off with the irrelevant remark that 'the legal insignificance of such circumstances must now be self-evident, after what has been premised as to the exemption of Peerages from prescription' (p. 73).

Riddell is a dead man, who cannot defend himself or show that his alleged shuffle was distinctly and dangerously relevant to the Ruthven case. A reference to 'Prescription' in the

index to his chief work will guide us to this notable passage, which I must quote in full:

The counter-pretension, or assumption, by the Glencairn heirs male for the considerable period of 126 years, from 1670 to 1796, that would have been so fatal at common law, in ordinary succession, was not held a legal bar in the way of Sir Adam Ferguson, the heir of line. And this, *although the preceding had voted without protest* at Peerage Elections. Nay, James, Earl of Glencairn, elder brother of John, the last Earl, had even been returned to represent the Scottish peerage in 1780, and had sat and voted accordingly in the House of Lords. The same thing has also been illustrated in the instance of the Earldom of Moray in 1793, where there was alleged adverse *possession* from 1700 until 1784, thus *evinced the existing legal understanding*, to which I do not demur, as it seems not at variance with our law. Further still in the Errol case . . . James, Earl of Errol . . . had been equally returned as one of the representative peers in 1770, in virtue of a title and succession recognised since 1717; but this 'possession' also, as it was maintained, when founded upon by him, was not deemed conclusive by Lord Rosslyn (p. 829).

Thus we see that even if 'Lord Ruthven' had been returned to the House of Lords and had sat and voted therein, his right to the title would not have been homologated thereby. Still less would his votes at elections be accepted as proof, more especially when it was shown that the absence of protest is amply accounted for. For, as I have shown, there was no one who could counter-claim with success, there being no heir-male of the patentee's body. And as to protests from other peers, they were rare, and only based (1) on a claim being at variance with the known limitation, and possibly (2) on a claimant not having proved his pedigree. Now, in the Ruthven case the terms of the limitation were unknown, and the pedigree was not in dispute. Naturally, therefore, there was no protest, because these grounds of a protest were wanting. The absence of a protest is fully accounted for, and the reception of the votes cannot avail against the presumption of law.

VI

It is admitted that some obscurity surrounds the alleged summonses to the coronations of George I. and George II.¹ But here is Mr. Stevenson's argument:

¹ Mr. Stevenson writes (p. 63): 'Douglas's statement also of the issue of a summons, in 1714, to the peeress of the day (Jean, though he says Isobel was the name) to attend the coronation of George I. has not been disproved or even contradicted.' No attempt, so far as I know, has been made to disprove the statement, but it is hard to believe that it would be accepted as evidence that Jean was summoned, when Douglas says it was Isobel! Mr. Stevenson must not accept the summons as a fact on Douglas's authority, while rejecting Douglas's statement as to the person summoned.

If we accept them as facts, they prove at any-rate that the Lyon King of Arms of 1714—Sir Charles Erskine, and his successor in 1727, probably Brodie of Brodie—reported the peerage to be extant. These are facts of weight in any balance of the evidence for or against any peerage. . . .

But whether the right lady or gentleman received the summons or not, the important fact is that letters were issued in respect of the peerage on reports of the Lyon King of Arms, thirteen and twenty-six years after the extinction of the male; and that they were issued to ladies—Jean and Isobel respectively.¹ So that, even by the official most ignorant of their pedigree, the recipients could not have been mistaken for heirs-male (p. 44).

Impressive, perhaps; but I duly met this argument in my original paper (1884) as follows:

The argument from the coronation summons has been met and disposed of by Riddell (*Scotch Peerage Law*, p. 137). It has, moreover, been shown by me that the evidence of such summons in proof of 'possession' was founded on in vain, in 1733, by the titular 'Viscount Oxenford,' who unsuccessfully appealed to his 'summons to be present at the coronation of his present Majesty, which is superscribed by his Majesty, and signed by the Earl of Sussex, depute Earl Marischal of England' (Robertson's *Proceedings*, p. 137).

This case is conclusive. It may be added, however, in further illustration of the 'legal insignificance'² of such summons, that in England there had been summoned as 'Baroness Cromwell' to the two preceding coronations a lady who, as in the case of Ruthven, had assumed the honours without right, on the extinction of the male line. It is important to notice that in the English case the 'salutary check,' as Riddell terms it, of the intervention of a writ of summons operated in bar of the assumption of the title by that lady's son and heir. In the Scottish case there was no such check, and, consequently, the usurpation has been continued to our own day (p. 183).

The Ruthven summons no more proves the validity of the assumption than did the Oxenford summons.

Mr. Stevenson was confronted with this argument, which disposes of his own. What answer does he make to it? *He does not even attempt one.*

VII

Lord Hailes' story, cited by Riddell, is that 'Lady Ruthven' having been summoned to a coronation,—

In a jesting way she said that this was her patent, and that she would preserve it as such in her charter-chest, and what she said in jest³ is now seriously insisted upon.

¹ Douglas and Hailes say it was Isobel in both cases. ² Riddell's phrase.

³ In my original paper the word 'earnest' is printed by mistake for 'jest.' The context makes the sense clear, though Mr. Stevenson denounces my 'almost incredible carelessness.' By a similar one in Mr. Maitland Thomson's review (p. 106) Jean and Isobel are both distinguished as the 'former,' though this word must in one case be printed for 'latter.' Such slips are difficult to avoid. Nay, Mr. Stevenson himself, on p. 65, when discussing the omission of his title by a 'baronet,' speaks of him as the 'knight'! Yet I should not accuse him for this of 'almost incredible carelessness.'

Mr. Maitland Thomson, I observe, is disposed to accept this story, and to assign it to the coronation of 1714, writing :

The suggestion that the patent ought to be recorded has been ventured by a friend in the hearing of Baroness Jean. Her reply is to point to her coronation summons received two years before, and exclaim, 'Here is my Patent!' A fair repartee; and considering that the lady had borne (*sic*) the title since 1702 (as Mr. Stevenson has proved), Mr. Round's comment that the claim originated in a joke is hardly justified.

Whether my words express the point of Lord Hailes' story fairly or not is matter of opinion; it appears to me that they may be held to do so if the lady seized upon this document as the first official recognition of her assumption, the earliest 'Patent' forthcoming. But, in any case, that is not at all the point raised by Mr. Stevenson.

In the section headed 'A practical joke!' (pp. 51-53) he accuses me, with awful solemnity, not of mistaking the point of a story, but of recklessly inventing a story without any foundation at all. Mr. Stevenson had a perfect right to say that he did not agree with my way of alluding to the above 'jesting' remark; but to say that I have failed to produce any story of a 'joke' at all is—well, rather a strong measure. Yet this is actually what he does :

I desire to call attention to the legal aspects of the assertion. . . . The only proof needed to end the whole controversy and disprove the very existence of the peerage is the proof of the joke . . . prepares us for the discovery that the story is not forthcoming, and persuades us that the story does not exist. . . . such a damaging and prejudicing statement as the one I now allude to made as long ago as in 1884, and since repeated in effect¹ again and again at intervals, and never attempted to be substantiated, cannot be passed over without the observation that by the canons alike of historical investigation and of literary discussion, a disputant is under an imperative obligation to prove the truth of a statement of that kind or to withdraw it (p. 52).

Superb! But we have seen, unfortunately, that Mr. Maitland Thomson, as an independent critic, understood, as a matter of course, that I was referring to the jest in Lord Hailes' story. And as Mr. Stevenson had himself discussed (pp. 44-47) my mention of that story, and had even written 'But suppose that the lady did make the jest! What then?' (p. 46), it seems curious that he should boldly assert that 'the story does not exist,' and that I have never produced any evidence of a 'joke.'

¹ This is a carefully guarded phrase, but I am afraid I must point out that the statement has not been repeated, as a matter of fact, even 'in effect.'

VIII

We have still to seek legal evidence sufficient to rebut the presumption of law that the Ruthven assumption was wrongful. On the general question of the merits of the Union Roll of 1707, I am, Mr. Stevenson admits, at one with Riddell.

Must I again repeat his vigorous and fearless words?

'The Union Roll, if truth and accuracy are to be here respected, and Peerage rights possess a tithe of that value and importance which they seem anciently to have done, calls loudly for correction and amendment. It has been transmitted to us in no solemn or authentic form owing to the well known hurry and distraction of the moment, when lesser interests were sacrificed to greater, adopting the gross errors in the decret of ranking in 1606, which it is otherwise faulty and exceptionable . . . the pretensions of impostors at elections of the sixteen peers, who have *not* been wanting on such occasions, and reception of undue votes, with the attendant trouble and perplexity,' etc., etc.¹

But let me quote the actual words of my original argument on the point at issue; for although they move Mr. Stevenson to wrath, it is significant that he does not quote them.

In proof of the true value of the Union Roll, it is, I think, sufficient to observe that this highly vaunted *rex rotulorum* on the one hand retained such titles as Abercrombie, and Newark—the former notoriously extinct for more than twenty years, the latter also extinct, though assumed by the heir-of-line through a fraud which the House of Lords eventually exposed; and on the other omitted such extant titles as Somerville, Dingwall, and Aston of Forfar! (p. 174).

How does Mr. Stevenson demolish this argument? Why he actually has to admit, thus openly, that the Union Roll included not only the above *two*, but *three* extinct titles!

It is not now doubted that three extinct titles were placed on the Roll in 1707, namely Abercrombie, Newark, and Glasford (p. 16).

So that my assertion was even an *under-statement* of the case! And yet we are asked to admit that the appearance of Ruthven on the Union Roll must be deemed evidence that it was not extinct!

To proceed. How does Mr. Stevenson demolish the rest of my above argument? Why, he has to admit that Somerville and Dingwall, were both, as I asserted, wrongly omitted and had to be inserted in the Roll afterwards, and that Aston also

¹ *Op. cit.* p. 171.

was wrongly omitted, though in this case he makes the amazing excuse, that

Surely the officials who kept the Roll of the Parliament could not be charged to send to England to ascertain if the Lords Aston were still extant after they had not been in their place for well-nigh seventy years (p. 15).

How about the barony of Fairfax, created for an Englishman in the same year (1627) as that of Aston for 'Sir William Aston of Tixall,' as Mr. Stevenson terms him? Why is the title of Fairfax on the Roll and that of Aston not? There could not be the slightest difficulty in discovering the 3rd Lord Aston, who was lord of Tixall, like his grandfather the first lord, and who subsequently protested in Scotland against the omission on the Roll. Was not Riddell right, in spite of Mr. Stevenson's protest, when he wrote that the Aston omission was a 'striking corroboration' of his remarks on the 'carelessness and inaccuracy' of the Union Roll.

But let me complete the passage from my original article :

And even had the Roll been free from such error, its retention of a title, it should always be remembered, was merely an admission that its extinction had not been demonstrated, *and was not a 'recognition' that it had been validly assumed by any particular person.* Thus the retention on the Union Roll of the titles of Ochiltree and Spynie did not 'recognise' their assumption by the Aytons and the Fullartons any more than the similar retention of Ruthven 'recognised' its assumption by the so-called 'baroness.' Such is the value of the argument from the Roll, and so little will it avail to 'indicate,' far less to *prove* the point (p. 174).

My argument here, it will be seen, is perfectly clear. How does Mr. Stevenson meet it? He asserts that I impugn the authority of the Roll, because it included 'the extinct titles of Abercrombie and Newark, and the dormant titles of Ochiltree and Spynie.' On which he comments :

'As to the peerages of Ochiltree and Spynie, it need only be answered that the inclusion of dormant peerages in the Roll is nothing to the point. For, by the very statement of the case, they are not extinct peerages' (p. 17).

With 'almost incredible carelessness' (to use his own phrase) my critic first attributes to me an argument I never used, and then completely ignores the argument I did use, as to Ochiltree and Spynie. It thus remains unanswered.

I have now quoted in full my paragraph on the Union Roll and have shown that Mr. Stevenson's reply to it may be thus summed up :

(1) He more than confirms my statement as to the *inclusion* of *extinct* peerages on the Roll ;

- (2) He fully confirms my statement as to the *omission* of *extant* peerages from the Roll ;
- (3) He invents for me, on Ochiltree and Spynie, an argument I never used, and does not attempt to answer the argument I did use.

And, having done all this, the 'best all-round historical antiquary' in Scotland hastens to comment thus on his own performance :

It is impossible to pass from this exposure of the inaccuracies of Riddell's and Mr. Round's statements regarding that Roll without observing that the carelessness which made these inaccuracies possible is very seriously to be reprobated, especially in any matter, where what may be other people's rights of inheritance and *status* are involved.

The Union Roll, therefore, remains a document of very material as well as formal importance for the proof of any statement, such as we have seen canvassed, which it contains ; its inclusion of any title whose circumstances were those of the Ruthven title raises a strong presumption of the subsistence of that title¹ at its date (p. 20).

May I suggest, in all humility, that it is impossible to pass from this exposure of Mr. Stevenson's arguments and methods without observing that the carelessness which made his inaccuracy possible and the singular audacity with which he claims to have exposed statements he is actually forced to confirm in full, should be sufficient to prove the weakness of his case and to absolve me from further exposure of the methods to which he is reduced.²

When Mr. Stevenson asserts (p. 54) that such statements of mine as he has examined 'have crumbled to pieces in the handling,' I would ask to be excused from describing that assertion in the language I might fairly employ.

¹ But, even so, not, as I have shown by Ochiltree and Spynie, of the validity of any one's assumption of it.

² Mr. Stevenson concentrates his fire as to the Union Roll, on 'Mr. Round's statement that the Judges had found that twenty-five of the titles on the Union Roll were doubtfully extant when they were placed there' (p. 18). My readers are now, doubtless, prepared to learn that I have nowhere made any such statement. The statement that the Lords of Session found 'the titles of no less than twenty-five Peers of that Roll dubious' is triumphantly cited by Riddell from *Douglas*, who is therefore the person responsible for it. I am in no way responsible for its accuracy, nor did I myself impugn more than *two* titles, besides Ruthven, on the Roll.

J. H. ROUND.

(To be continued.)

The Early History of the Scots Darien Company

I. INTRODUCTION

THE Company of Scotland trading to Africa and the Indies owed its origin to the desire of the Scots to enjoy economic advantages similar to those possessed by the other nations of Europe. The remarkable interest in commercial companies which is characteristic of the history of Europe in the seventeenth century was late in reaching Scotland. She was, in fact, the last of the nations to charter such a company. Her people were renowned for bravery rather than business ability. The country was poor.

Efforts to promote trade had been made from time to time. In the first part of the century, while the rulers of Britain were more Scots than English, the northern kingdom had prospered commercially. During the Civil War industry almost died out, and there were scarcely any well-to-do merchants.¹ Under Cromwell, trade revived,² but the English navigation acts of the Restoration checked Scottish ambition, although there is evidence of continued interest in mercantile enterprise.³ For an act was passed in 1661 for the encouragement of navigation and trade, restricting the importation⁴ of foreign commodities to Scots vessels, trading directly from the original foreign port. This was directed against the Dutch and the Germans, and encouraged the merchant adventurers of Glasgow⁵ to undertake shipbuilding. They sunk a large amount of capital in trying to advance trade, but the Dutch continued their importations, supported by those merchants who profited by the illegal traffic.

¹ Robt. Chambers, *Edinburgh Merchants and Merchandise in Old Times*, p. 17.

² J. Hill Burton, *History of Scotland*, vii. 55-60.

³ *Acts Parl. Scot.*, VI. i. 344, 374, 577, 578; ii. 805, 827, 879. VII. 96.

⁴ *Ibid.*, 257.

⁵ *Ibid.*, 454.

Accordingly, in 1663 the Act was ratified and approved, and an endeavour made to enforce it. Overtures were made to secure free trade with England. King Charles II., however, was induced to favour his English subjects at the expense of Scotland, and secured the passage of an act on the last day of the Parliament of 1663⁶ asserting his prerogative in all matters concerning trade, and his right to put such restraints on trade as seemed best to him. This effectually prevented for the present any entrance into the field of foreign commerce. Feeble efforts were made to encourage home industries⁷ in 1681 by the passage of a sumptuary act⁸ prohibiting the importation of all finery, 'including all flour'd, strip'd, figur'd, checker'd, paint'd, or print'd silk stuffs or Ribbands.'⁹

After the Glorious Revolution, however, and the overthrow of James the Second, the first Parliament of William III. declared the act of 1663, giving the King power to impose duties at pleasure upon foreign imports,¹⁰ a grievance, prejudicial to the trade of the nation. William, in his anxiety to secure the adherence of Scotland, gave his permission to have the act rescinded, and instructed his commissioners to procure an act for the encouragement of trade.¹¹ As a result of this,¹² an act was passed in 1693, declaring that companies might be formed for carrying on trade in foreign regions; for their greater encouragement, they were promised letters patent under the great seal.¹³

About this time in England new charters were granted to the English East India Company¹⁴ which proceeded to adopt stringent measures to 'bear down' on interlopers or ships sent out by private traders.¹⁵ A number of interlopers were owned in Scotland. Their owners became aroused at the renewed activity of the English company, and saw in the act of 1693 an opportunity to secure privileges which would put them on a legal basis, equal, if not superior, to that on which the English com-

⁶ *Acts Parl. Scot.*, VII. 503.

⁷ *Ibid.*, VII. 257.

⁸ *Ibid.*, VIII. 662.

⁹ *Ibid.*, 478.

¹⁰ *Ibid.*, IX. 45.

¹¹ Thomas Somerville, *History of Political Transactions*, II.

¹² *Acts Parl. Scot.*, IX. 314.

¹³ The act concludes with the significant recommendation from Parliament to the King to order the recovery of the Company's losses by force of arms at the public expense if any such Company were attacked or disturbed by persons not in open war with him. This foreshadows a clause in the Act establishing the Darien Company which was to be the cause of no small anxiety to the English.

¹⁴ Bruce, *Annals of the East India Company*, 39.

¹⁵ *Ibid.*, 135.

pany operated.¹⁶ Furthermore, there were in London a number of Scots merchants who had sent out interlopers. The English company was receiving new charters and making it more and more difficult for them to carry on private trading with the Indies. They saw that their fellow-countrymen were anxious to secure foreign trade on a considerable scale. They too saw in the act of 1693 an opportunity to enlarge their operations on a secure legal basis. About the beginning of May, 1695, one of them, Mr. James Chiesly, conferred with his friend, William Paterson, as to the possibility of establishing an East India Company in Scotland,¹⁷ and asked him what was best to be done about it.¹⁸

William Paterson, the Scotsman whose name is inextricably bound up with the whole history of the Darien Company, was at this time a fairly well-to-do London merchant about thirty-five years old.¹⁹ He was one of the founders of the Bank of England—in fact, the credit for the plan of the Bank belongs to him perhaps more than to anyone else. Of his early life various stories are told. He had had many experiences, and had been in the West Indies.²⁰ He claimed to have been on the Isthmus.²¹ He was a visionary rather than a practical man of affairs. Some of his ideas were brilliant, and, as in the case of the Bank of England, worked well when carried out by men with more commonsense than he had. His idealistic tendencies and his lack of tact had brought him into conflict with his colleagues of the Bank, and he had left the directorate under somewhat of a cloud.²² One of his most cherished ideas was the establishment on the Isthmus of America of a free port,²³ which, by reason of its geographical position, might handle the greater part of the commerce between Europe and the far East. As a scheme it was magnificent. It was planned to benefit not only its pro-

¹⁶ It was doubtless from one of these that there came the *Treatise touching the East Indian Trade*, in which it was pointed out that, although Scotland had an abundance of ports and harbours, she had little commerce and no colonies or settlements. It was urged that the opportunity presented by the Act of 1693 be improved.

¹⁷ *Jour. Ho. Com.*, xi. 400. ¹⁸ J. Hill Burton, *History of Scotland*, 1897, viii. 20, 21.

¹⁹ William Pagan, *The Birthplace and Parentage of Wm. Paterson, Founder of the Bank of England and Projector of the Darien Scheme*.

²⁰ Report by William Paterson to the Directors, *Dar. Pap.*, 179.

²¹ Letter from Paterson to the Directors, in John Dalrymple's *Memoirs of Gt. Brit. and Irel.*, iv. 154-156.

²² Francis, *History of the Bank of England*, i. 66.

²³ J. Hill Burton, *History of Scotland*, 1897, viii. 20 and 41; S. Bannister, *The Writings of William Paterson*, i. 109-160.

moters, but humanity; for profits were to be small and prices reduced. He had carried this project to various parts of the north of Europe, and endeavoured to get the Dutch and the Germans to take it up. It had also been offered in London. But in all these places the practical men of affairs saw the insurmountable difficulties that lay in the way of any such undertaking and refused to touch it, although willing enough to profit by it if such a port were ever established. So it was reserved for the Scots, brave in spirit but inexperienced in foreign trade, to attempt the magnificent but impossible scheme. The greatest difficulty in the way was the location of the free port in the very heart of the King of Spain's most treasured possessions, and within a couple of hundred miles of that port from which all the wealth of the Peruvian mines was sent yearly to Spain. It was not to be imagined for a moment that the King of Spain would allow his dominions to be encroached upon at such a vulnerable point. There were other objections, but this was the chief one, and one that was amply sufficient to those who understood the condition of affairs. To Paterson, on the other hand, the advantages of the scheme far outweighed the obstacles, and he kept hoping against hope that some day it might be carried out. When Mr. Chiesly approached him in May, 1695, requesting ideas for a charter which they had good hopes of securing from the Parliament of Scotland, Paterson produced the draft of an act providing for large privileges and extraordinary concessions.²⁴ But no mention was made of Darien. That secret was too precious to be broached until the Company was actually under way.

This draft with some amendments was finally adopted and became the charter of the Company, known first as the 'African Company,' and later as the 'Darien Company.'

The Company itself was the expression of Scotland's desire to join in seventeenth century appreciation of sixteenth century discovery; the immediate occasion for its establishment was the pressure exerted by the English East India Company on private merchants; the form which it took was due to the imagination of one of the idealistic financiers who flourished during that epoch.

II. THE ACT OF INCORPORATION

Paterson's draft for the act, being approved by the London merchants, was sent to their friends in Edinburgh, presented to

²⁴ *State of Mr. Paterson's Claim upon the Equivalent*, 1712, p. 9.

Parliament on the 12th of June, 1695, and referred to the Committee on Trade.¹ Public interest had, in the meantime, been aroused by the publication of a sheet entitled, 'Proposals for a Fond to Cary on a Plantation.'² We are informed by it that 'persons of all ranks, yea the body of the nation, are longing to have a plantation in America,' but it is quite possible that this was issued to arouse that very longing. This was followed by a little pamphlet entitled 'Memorial to the Members of Parliament of the Court Party.'³

On Saturday, the 15th of June, the bill was read and considered by the committee, who ordered that two of their number, Lord Belhaven and Sir Francis Scott, who were later prominently identified with the Company, should confer with the Lyon King at Arms in regard to a seal for the Company.⁴ The names of the patentees had not yet been decided upon, but an understanding that half of them were to be Scots was soon reached. An amendment looking towards the exemption of members of the Company from legal inconveniences was suggested, besides various other amendments. On Monday, the 17th of June, the committee considered such matters as the duties on muslin, an act in favour of manufacturing, and a motion looking toward the establishment of the principle of the 'open shop.' On Tuesday more amendments were made to the Company's act; and on Wednesday, Lord Belhaven being in the chair, it was again considered; as was also an act for the manufacturing of gunpowder. On Friday it was further amended, and the names of the patentees inserted, but they were not finally selected until the following Tuesday, when the act, as amended by the committee, was finally agreed upon, and ordered to be reported.

It may be of interest to note, in this connection, that on this same day the committee consider acts relating to 'skinners' or furriers; the manufacturing of leather, salt, and combs; the herring fishery, and the post office. Trade was looking up.

On the 26th of June, a fortnight after its first introduction, the act establishing the Company of Scotland Trading to Africa and the Indies was reported back from the Committee, read in

¹ *Acts Parl. Scot.*, II. 367.

² The only known copy is in the John Carter Brown Library, Providence, R.I.

³ John Scott, *Darien Bibliography*, p. 10.

⁴ MS. Minutes of the Committee on Trade, preserved in the General Register House in Edinburgh. These were not known to Hill Burton. *Vid.* his *History of Scotland*, viii. 22.

Parliament, passed, and touched with the sceptre in the usual manner.⁵

Reasons for this haste are not far to seek. The Act had powerful supporters, and it was not likely to be palatable to the English. If its passage had been delayed, William's English councillors might have persuaded him to disallow it, or have it amended, so as to render it abortive.

The Act as passed contained first a preamble, or narrative, which based it on the Act of 1693.⁶ It then proceeded to constitute ten Scotsmen and ten Englishmen, whose names follow, 'a free incorporation with perpetual succession.' No limit was placed on their capital stock except that at least half was to be set aside for residents of Scotland.⁷ No one could hold less than 100 pounds of stock, nor more than 3000 pounds.

Shares subscribed for by residents of Scotland were not 'allowable to any other than Scotsmen living within this kingdom.' It was declared that no part of the capital stock, or of the real or personal property belonging to the Company should be liable to any manner of confiscation or seizure for any reason whatsoever.⁸ Creditors of members of the Company were allowed to have a lien upon the profits pertaining to their debtors without having any further right over the debtors' stock. The patentees were given the right to make all such rules and ordinances as they thought needful for the government of the Company. They also had the right to administer and take oaths *de fidei*.

They were empowered for the space of ten years to fit out and navigate their own or hired ships in such manner as they thought fit. Their vessels could thus be fully armed.⁹ They were allowed to sail from any port or place in Scotland, or from any place in amity with His Majesty, to any place in Asia, Africa, or America, there to plant colonies in any uninhabited place, or in any other place, by consent of the inhabitants, provided it was not possessed by any European sovereign. Paterson thought this covered the Isthmus of Darien. They were allowed to fortify such places and defend them by force of arms; also to make reprisals. They could conclude treaties of peace and commerce with the governments of any place in Asia, Africa, or America.

Furthermore, they were given a wide monopoly. No subject

⁵ *Acts. Parl. Scot.*, IX. 377.

⁶ *Full and Exact Collection of All the . . . Papers Relating to the Company*, 1700, p. iii.

⁷ *Ibid.*, p. iv.

⁸ *Ibid.*, p. v.

⁹ *Ibid.*, p. vi.

of Scotland was allowed to trade with any place in Asia or Africa 'in any time hereafter, or in America for and during the space of thirty-one years,' without permission from the Company, under penalty of forfeiting one-sixth of the value of the ships and cargo to His Majesty, and one-sixth to the Company. The Company was allowed to seize any such ships and cargoes in any place of Asia or Africa, or off their coasts.¹⁰ Subjects of Scotland might, however, trade without prejudice in any part of America which the Company had not settled. This was intended to protect those Scots who already had a considerable trade in those parts. At this very time the Scots merchants in London were building ten frigates to secure their trade to the West Indies.¹¹

The Patentees were given absolute title to all places of which they should possess themselves, with full rights of government and admiralty, and of delegating to others such rights as they thought fit and convenient. They had power to impose and exact such customs duties as they thought needful. To His Majesty and his successors for the acknowledgment of their allegiance, they were to pay yearly a hogshead of tobacco by way of Blench-duty. The Company was given power to procure privileges from any foreign power at peace with His Majesty, for which the existing treaties of peace gave sufficient security.¹²

One of the most remarkable provisions of the Act, and one which occasioned considerable feeling in England, was that, if any of the persons or effects of the Company should be seized or damaged, the King agreed to have restitution made at the public charge. This seemed to promise that the prestige and arms of England should be used to settle any difficulties which the Company might get into with foreign powers, and was used by the Company as a great point in securing subscriptions. Opponents of the Company also tended to exaggerate the importance of this provision by claiming that it bound the King of England to go to war for the benefit of Scotland, and that as Scotland was poor and weak the war would be paid for by England.

All property of the Company was to be free from taxes for the space of twenty-one years, excepting that tobacco and sugar, not grown in their own plantations, were to pay the regular

¹⁰ *Full and Exact Collection of All the . . . Papers Relating to the Company*, 1700, p. viii.

¹¹ 'Saturday 29 June.' Narcissus Luttrell, *Brief Historical Relation*, iii. 492. The entry in his diary.

¹² *Full and Exact Collection*, p. viii.

duties; but everything else which their ships might bring in was to come duty free. Here, again, was cause for alarm to the merchants of London, who saw the possibility of large quantities of low-priced merchandise being smuggled into England from Scotland, where it had paid no duty.

No member, officer, or servant of the Company could be arrested or confined; and, in case they were, the Company was authorised to release them; and all magistrates, civil or military, were instructed to assist under pain of being liable for damages.¹³

The Company and its officers and members were to be free 'both in their persons, estates and goods employed in the said stock and trade from all manner of taxes, cesses, supplies, excises, quartering of soldiers, transient or local, or levying of soldiers, or other impositions whatsoever, and that for and during the space of twenty-one years.'

Lastly, all persons concerned in the Company were declared to be free citizens of Scotland, all those which settled or inhabited any of their plantations were to be regarded as natives of Scotland, and to have the privileges thereof.¹⁴

Such was the Act upon which were to be based the hopes of a large part of the Scottish nation. No wonder it was said that His Majesty had granted 'a large and glorious patent, not to be paralleled by that of any Company or Society in the Universe.'¹⁵ Theoretically, it was almost perfect. With permission to plant colonies in every part of the unclaimed world, with free trade for a long period of years, and freedom from all kinds of embarrassing legal restrictions, with the promise of the King of England to assist them in maintaining their agreements and privileges with other nations, it seemed as though Scotland must soon surpass all other countries in the extent and opulence of her trade. The chartered companies of other countries were hampered by many rules and restrictions, from which hers was to be free. Had the Scottish patentees been experienced in business, with a large knowledge of the world, and the ways of commerce, it is possible that the Clyde might much earlier have become that emporium which it was later destined to be. Scarcely had the Act been passed, however, before the incompetency of the incorporators became apparent, and the troubles and discords which were to ruin the Company began to show themselves.

HIRAM BINGHAM.

¹³ *Full and Exact Collection*, p. ix.

¹⁴ *Ibid.*, p. x.; *Acts Parl. Scot.*, IX. 377.

¹⁵ *Defence of the Scots Abdicating Darien*, 1700, p. ii.

(To be continued.)

The 'Scalacronica' of Sir Thomas Gray

The Reign of Edward I. as chronicled in 1356 by Sir Thomas Gray in the 'Scalacronica' and now translated by the Right Hon. Sir Herbert Maxwell, Bart., continued.

MS.
o. 199 THE King of Scotland, John de Baliol,¹ sent to crave peace from the King [Edward], submitted to his grace and surrendered to the king,² with his son Edward, whom he offered to him as hostage for his good behaviour, and these two were taken and sent to London, and forbidden to pass further than twenty leagues around the city.

King Edward of England occupied all the castles of Scotland, and rode through the country until he came to Stokforthe,³ and appointed his officials, and, in returning, caused to be carried away from the abbey of Scone the stone whereon the kings of Scotland were wont to be seated at the beginning of a reign, and caused it to be taken to London at Westminster, and made it the seat of the priest at the high altar.

King Edward of England caused summon his Parliament at Berwick, where he took homage from all the magnates of Scotland, to which he had their seals appended in perpetual memory,⁴ and thence he repaired to England, where, at the abbey of Westminster,⁵ he committed the custody of Scotland to the Earl of Warenne, with a seal of government for the same, and said in jest: 'He does good business who rids himself of dirt!'⁶ The

¹ So Sir Thomas Gray styles him; but the Scottish monarchs were never styled Kings of Scotland, but Kings of Scots.

² July 2, 1296.

³ Perhaps Stracathro or Stocket Forest in Aberdeenshire.

⁴ The Ragman Roll, 1296.

⁵ Westminster, the 'new minster' of Edward the Confessor.

⁶ *Bon besoigne fait qy de merde se deliuer*: reminding one of the famous *mot de Cambonne* at Waterloo.

king appointed Hugh de Cressingham his Chamberlain of Scotland, and William de Ormesby Justiciar, and laid commands on them that all persons of Scotland above fifteen years should do homage, and that their names should be inscribed. The clerks took a penny¹ from each, whereby they became wealthy fellows. The King ordained that all lords of Scotland should remain beyond the Trent, so long as his war with France should last. In which year of grace 1297 he levied [a tax of] half a mark sterling upon every sack of wool in England and Scotland, which before paid no more than fourpence; wherefore it was called *la mal tol*. The King went to Gascony.

At which time [1297] in the month of May William Wallace^{ms. fo. 199^b} was chosen by the commons of Scotland as leader to raise war against the English, and he at the outset slew William de Hesilrig at Lanark, the King of England's Sheriff of Clydesdale.² The said William Wallace came by night upon the said sheriff and surprised him, when Thomas de Gray,³ who was at that time in the suite of the said sheriff, was left stripped for dead in the mellay when the English were defending themselves. The said Thomas lay all night naked between two burning houses which the Scots had set on fire, whereof the heat kept life in him, until he was recognised at daybreak and carried off by William de Lundy, who caused him to be restored to health.

And the following winter, the said William Wallace burnt all Northumberland. The Earl of Warenne, who was Keeper of Scotland for the King of England, being in the south,⁴ turned towards Scotland; where at the bridge of Stirling he was defeated by William Wallace, who, being at hand in order of battle,⁵ allowed so many of the English as he pleased to cross over the said bridge, and, at the right moment,⁶ attacked them, caused

¹ *Vn denier*.

² His proper name was Andrew de Livingstone, usually termed de Hesilrig or Hazelrig, as in the death sentence of Wallace, probably on account of his official residence.

³ Father of the chronicler.

⁴ Warenne, or Surrey, which was his principal title, had been recalled on 18th August for service with King Edward on the Continent, and Sir Brian Fitz Alan was appointed Keeper of Scotland in his place. But Sir Brian having raised a difficulty about his salary (£1128 8s.), the Prince of Wales wrote on 7th Sept., 1298, requiring Surrey to remain at his post. (See Stevenson's *Documents illustrative of the History of Scotland*, ii. 230.)

⁵ *En batail*, in force or in order of battle; used in both senses.

⁶ *A soun point*.

the bridge to be broken, where many of the English perished, with Hugh de Cressingham, the King's Treasurer; and it was said that the Scots caused him to be flayed, and in token of hatred made girths of his skin. The Earl of Warenne took flight to Berwick. William Wallace, to whom the Scots adhered, immediately after this discomfiture, followed¹ the said Earl of Warren in great force, and skirting Berwick, arrived on Hutton Moor in order of battle; but perceiving the English arrayed to oppose him, he came no nearer to Berwick, but retired and bivouacked in Duns Park.²

The said Earl of Warren, on the approach of William Wallace, took his departure from Berwick, leaving the said town waste, and went to the King's son, who was Prince of Wales, because the King was in Gascony.³

On account of these tidings the King returned to England. At the first coming of the Earl of Warenne to Scotland, the Bishop of Glasgow⁴ and William Lord of Douglas⁵ came to give assurance that they were no parties to the rising of William Wallace, albeit they had been adherents of his previously;⁶ wherefore the said earl caused them to be imprisoned—the bishop in Roxburgh Castle, William de Douglas in Berwick Castle, where he died of vexation.⁷

William Wallace, perceiving the departure of the Earl of Warenne, sent the chevalier Henry de Haliburton to seize Berwick, and appointed others to besiege Robert de Hastings in Roxburgh Castle with a strong force.

MS.
fo. 200 Robert the son of Roger, who at that time was lord of Warkworth, with John the son of Marmaduke, with other barons of the counties of Northumberland and Carlisle, mustered quickly and came by night to Roxburgh, and came so stealthily upon the Scots that, before they knew where they were, the English were upon them and killed the engineers who were handling the

¹ *Syst*, misprinted *fyyst* in Maitland Club Ed.

² Not Duns Park on Whitadder, but in a place which then bore that name a little to the north of Berwick.

³ He was in Flanders.

⁴ Robert Wishart, one of the Six Guardians appointed on the death of Alexander III. in 1286.

⁵ Sir William de Douglas 'le Hardi,' a crusader: father of 'the Good Sir James.'

⁶ They deserted him at the capitulation of Irvine, July, 1297.

⁷ *De mischef*. He was transferred to the Tower of London, where he died in 1298.

hooks of the engines¹ to shoot into the castle ; whereby they [the Scots] were thrown into confusion, many being slain. Henry de Haliburton, with others who were in Berwick, hearing of this reverse, drew off without delay, leaving the said town empty.

The said English lords recovered the said town of Berwick, and held it until the arrival of the King, who, returning from Gascony, approached Scotland in great force, entered it by Roxburgh, advanced to Templeliston and Linlithgow, and so towards Stirling, where William Wallace, who had mustered all the power of Scotland, lay in wait and undertook to give battle to the said King of England. They fought on this side of Falkirk² on the day of the Magdalene in the year of grace *mille cclxxx et xv*,³ when the Scots were defeated. Wherefore it was said long after that William Wallace had brought them to the revel if they would have danced.⁴

Walter, brother of the Steward of Scotland, who had dismounted [to fight] on foot among the commons, was slain with more than ten thousand of the commons.⁵ William Wallace, who was on horseback, fled with the other Scottish lords who were present. At this battle, Antony de Bek, Bishop of Durham, who was with King Edward of England, had such abundance of retinue that in his column there were thirty-two banners and a trio of earls—the Earl of Warwick,⁶ the Earl of Oxford,⁷ and the Earl of Angus.⁸

At this time the town of St. Andrews was destroyed. The King reappointed his officials in Scotland, betook himself to England, making pilgrimage to holy tombs,⁹ thanking God for his victory, as was his custom after such affairs.

¹ *Lez engines a trier.*

² *Ou de sa [deça] le Fawekirk.*

³ A clerical error. The date was 21st July, 1298.

⁴ *Qe Willam Walays lour auoit amene au karole dauncent sils uolount.*

⁵ It was Sir John Stewart of Bonkill who was thus slain, at the head of his Selkirk bowmen. Gray's estimate of the slain is more reasonable than that of clerical writers. Walsingham puts the number at 60,000, probably three times as much as Wallace's whole force : Hemingburgh reduces it to 56,000.

⁶ Guy de Beauchamp, Lord Ordainer : d. 1315.

⁷ Probably de Vere, 6th Earl. The line was extinguished in 1703 in the person of Aubrey de Vere, 20th Earl of Oxford.

⁸ Gilbert de Umfraville, Earl of Angus : d. 1307.

⁹ Or 'to relics of saints'—*les corps saintz*.

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In the following year, the year of grace *mille* cc.lxxx.xix, on the day of the translation of St. Thomas,¹ arrived legates from the Court of Rome to King Edward at Canterbury, praying and admonishing the King that he would leave John de Baliol, lately King of Scotland, in the keeping of the Holy Father, since he had surrendered to his mercy. The King granted this, provided he [John] should not enter Scotland, which was undertaken, and the said John was delivered, who betook himself to the estate of Baillof, his heritage in Picardy, where he resided all [the rest of] his life.

MS.
fo. 200^b

In the following year, owing to the diligence of persons in Scotland and the setting forth of all the evidence they could devise, letters came from Pope Boniface to King Edward of England, declaring that the realm of Scotland was held in fief of the Court of Rome, and that he had intruded to the disinheritorship of the Roman Church,² desiring him and admonishing him to remove his hand. The King caused a general parliament to be summoned to Lincoln, where it was declared by all laws imperial, civil, canonical and royal, and by the custom of the Isle of Britain in all times from the days of Brutus, that the sovereignty of Scotland belonged to the regality of England, which was announced to the Pope.

The said King Edward went to Scotland, invested the castle of Carlaverock³ and took it, after which siege⁴ William Wallace was taken by John de Menteith near Glasgow and brought before the King of England, who caused him to be drawn and hanged in London.⁵

The said King caused the town of Berwick to be surrounded with a stone wall, and, returning to England, left John de Segrave Guardian of Scotland. The Scots began again to rebel against King Edward of England, and elected John de Comyn their Guardian and Chief of their cause. At which time ensued great passages of arms between the Marches, and notably in Teviotdale, before Roxburgh Castle, between Ingram de Umfraville,⁶ Robert de Keith, Scotsmen, and Robert de Hastings,

¹ 7th July, 1299.

² *Leglis Romayne* in MS. misprinted *legatis Romayne* in *Maitland Club Edition*.

³ July, 1300.

⁴ Five years after : viz. in the summer of 1305.

⁵ 23rd August, 1305.

⁶ This Earl of Angus, who inherited through Matilda, heiress of the Celtic earls, was a staunch supporter of King Edward, and it seems strange to find him fighting for the Scottish cause.

warden of the said castle. John de Segrave, Guardian of Scotland for King Edward of England, marched in force into Scotland with several magnates of the English Marches, and with Patrick Earl of March, who was an adherent of the English King, came to Rosslyn, encamped about the village, with his column around him. His advanced guard was encamped a league distant in a hamlet. John Comyn with his adherents made a night attack upon the said John de Segrave and discomfited him in the darkness; and his advanced guard, which was encamped at a distant place,¹ were not aware of his defeat, therefore they came in the morning in battle array to the same place where they had left their commander overnight, intending to do their devoir, where they were attacked and routed by the numbers of Scots, and Rafe the Cofferer was there slain.

Because of this news King Edward marched the following year² into Scotland, and on his first entry encamped at Dryburgh. Hugh de Audley, with 60 men-at-arms, finding difficulty in encamping beside the King,³ went [forward] to Melrose and took up quarters in the abbey. John Comyn, at that time Guardian of Scotland, was in the forest of Ettrick with a great force of armed men, perceiving the presence of the said Hugh at Melrose in the village,⁴ attacked him by night and broke open the gates, and, while the English in the abbey were formed up and mounted on their horses in the court, they [the Scots?] caused the gates to be thrown open, [when] the Scots entered on horseback in great numbers, bore to the ground the English who were few in number, and captured and slew them all. The chevalier, Thomas Gray,⁵ after being beaten down, seized the house outside the gate, and held it in hope of rescue until the house began to burn over his head, when he, with others, was taken prisoner.

King Edward marched forward and kept the feast of Christmas⁶ at Linlithgow, then rode⁷ throughout the land of Scotland, and marched to Dunfermline, where John Comyn perceiving that he could not withstand the might of the King of England, rendered himself to the King's mercy, on condition that he

¹ Or 'at the distance of a league'—*ge herbisez estoit de ly vn lieu loinz.*

² May, 1303. The battle of Rosslyn was fought 24th February, 1302-3. The new year being then reckoned to begin on 25th March. Edward's invasion was correctly dated in the following year.

³ *Si eisement ne purroient my estre herbisez de lee le roy.*

⁴ *A la maner.*

⁵ Father of the chronicler.

⁶ A.D. 1303.

⁷ *Cheuaucha.*

and all his adherents should regain all their rightful possessions, and they became again his [Edward's] lieges; whereupon new instruments were publicly executed.

John de Soulis would not agree to the conditions; he left Scotland and went to France, where he died.¹ William Oliphant, a young Scottish bachelor, caused Stirling Castle to be garrisoned, not deigning to consent to John Comyn's conditions, but claiming to hold from the Lion.² The said King Edward, who had nearly all the people of Scotland in his power and possession of their fortresses, came before Stirling Castle, invested it and attacked it with many different engines, and took it by force and by a siege of nineteen weeks.³ During which siege, the chevalier Thomas Gray was struck through the head below the eyes by the bolt of a springald, and fell to the ground for dead under the barriers of the castle. [This happened] just as he had rescued his master, Henry de Beaumont, who has been caught at the said barriers by a hook thrown from a machine, and was only just outside the barriers when the said Thomas dragged him out of danger. The said Thomas was brought in and a party was paraded to bury him, when at that moment he began to move and look about him, and afterwards recovered.

MS. fo. 201b The King sent the captain of the castle,⁴ William Oliphant, to prison in London, and caused the knights of his army to joust before their departure at the close of the siege. Having appointed his officers throughout Scotland, he marched to England, and left Aymer de Valence, Earl of Pembroke, as Guardian of Scotland, to whom he gave the forests of Selkirk and Ettrick, where at Selkirk the said Aymer caused build a pele, and placed therein a strong garrison.

¹ He was joint-Guardian with Comyn; was banished by King Edward in 1304 and d. 1318.

² *Se clamoit a tenir du Lioun*: apparently from the Lion as emblem of Scotland.

³ For the details of this siege, and the names of the siege engines, see Bain's *Calendar of Documents relating to Scotland*, ii. 420.

⁴ *Chastelain*.

(To be continued.)

[The collation of the Maitland Club edition of *Scalacronica* with the original MS., part of which was done by Miss Bateson, has been continued and completed by Mr. Alfred Rogers, University Library, Cambridge. I desire to acknowledge, in addition, the valuable assistance I am receiving in the work of translation from Mr. George Neilson, F.S.A.Scot.]

HERBERT MAXWELL.]

Reviews of Books

CAMBRIDGE MODERN HISTORY. Vol. iii. The Wars of Religion.
Pp. xxviii, 914. Ry. 8vo. Cambridge: University Press, 1904.
16s. nett.

THIS volume covers, roughly speaking, the last half of the sixteenth and the first quarter of the seventeenth centuries. It is divided into twenty-two chapters, contributed by sixteen different writers. Of these all but two are of British birth. But one of these, Count Ugo Balzani, who discourses of Rome under Sixtus V., has lived so much in England, and is so well known to historical scholars on this side of the Channel, that he is almost as one of ourselves. Yet if this great work planned by Lord Acton is to be, as one presumes it was meant to be, a great monument of British historical scholarship, we cannot but regret the inclusion of foreign scholars. In the interests of the study of European history among ourselves, it would have been advisable to entrust all the articles required to writers in their native language. No doubt to this volume there are an unusual number of contributors whose names are already identified with the subjects entrusted to them: but in previous volumes, new, young writers have had a chance which they have not been slow to seize, and even this present instalment would not have suffered materially by the infusion of a little more fresh blood. Two, certainly not the least distinguished of the company of contributors, had passed away before the volume appeared—Dr. S. R. Gardiner, who of course tells again the story of James VI. and I.; and Mr. T. G. Law, who gives a careful and dispassionate account of Queen Mary Stewart, and the important part which she played in the politics of Europe. He is content shortly to state the difficulties with regard to the acceptance or the rejection of the Casket Letters without expressing an opinion of his own. Indeed, the space at the disposal of the writers forbids any argumentative treatment of even the more important points. What we have to expect in the body of the work is a summary of conclusions drawn from the most authoritative sources, and for the grounds on which these conclusions are based, we must turn to the extensive and somewhat bewildering bibliographies at the end of the volume. In these, although most of the compilers disclaim any attempt at completeness, none but serious students will find much enlightenment. An occasional remark is added on the date or scope of a particular work, but no attempt is made to guide the reader in determining between the respective merits of the long lists of books in many European languages. It is a real cause for regret that some detailed information was not given of a few of the more important

authors, and that the names of any others were not left to professed bibliographical works. Among the chapters of more general interest is one dealing with French Humanism and Montaigne. But it is too short to be effective. Four pages out of nineteen are devoted to Montaigne—none too many to that curiously detached personality. But it is easier to find information about him than about any of the other writers dealt with, and such important people as Joseph Scaliger and Isaac Casaubon do not cover a page between them; while such a string of names as 'Estienne Pasquier, Antoine Loisel, the brothers Pithou, Guy du Faur de Pibrac,' and so on, about most of whom no further word is said, is a mere parade of knowledge. On the other hand, Mr. Neville Figgis contributes an excellent summary of the political thought in the sixteenth century, where we are allowed to appreciate, uninterrupted by biographical or bibliographical details, the formulation of the great principles of political thought which so profoundly influenced action in the two succeeding centuries. It is a chapter in the history of political philosophy which deserves to be known far more widely than is usual, even among those who claim some acquaintance with the leading writers in this branch of speculative science. A fourth part of the volume is devoted to British History—a larger proportion than in any other of the series, and it is entrusted throughout to competent hands. Mr. Sidney Lee has a right to be heard on Elizabethan Literature, and Professor J. K. Laughton's interesting contribution on the naval contest with Spain does not invest with too rosy colours the doings of the English seamen. In his eyes, the 'ignorance, disobedience, and presumption' of Sir Richard Greynville was more noteworthy than the bravery with which he and the crew of the 'Revenge' immortalised their defeat. The stirring tale of the Revolt of the Netherlands is given by the Rev. George Edmundson; the dull but necessary and important history of imperial affairs after the retirement of Charles V. on to the eve of the outbreak of the Thirty Years' War, is told, not for the first time, by the Master of Peterhouse. Mr. Martin Hume, of course, treats of Spain; Mr. Nisbet Bain, equally of course, deals with Poland. The French Wars of Religion go to Professor A. J. Butler, while Mr. Armstrong consoles himself (and us) with what may be called the later history of Tuscany, or the earlier history of Savoy. The Turks fall to Dr. Moritz Brosch, while Mr. Stanley Leathes, one of the working editors of the series, deals with the important period of Henri Quatre. The whole volume is full of attractive subjects, and it maintains the high standard of the series.

DUDLEY J. MEDLEY.

HENRY THE THIRD AND THE CHURCH: A STUDY OF HIS ECCLESIASTICAL POLICY AND OF THE RELATIONS BETWEEN ENGLAND AND ROME.
By Abbot Gasquet, D.D. London: George Bell & Sons, 1905.
8vo. 12s. nett.

THOSE who know the temperate judgment which Abbot Gasquet has displayed in his contributions to historical study have no need to be reminded of his fairness of mind in approaching such thorny subjects

as the ecclesiastical policy of Henry III., and the relations between England and Rome during the reign of that monarch. But Dr. Gasquet has thought fit to make his apology at the outset, and declare the principles which guided him throughout his inquiry. It has been his endeavour, he says, to hold an even balance between two extremes—the tendency to minimise and the tendency to exaggerate—and in pursuance of this resolve he has been content to construct his narrative as far as possible from the language of the chroniclers and the documentary records of the period. No exception can be taken to this attitude of mind provided that the requisite self-control is manifested in the interpretation of evidences which appear to contradict the broad conclusions to which the narrative of the author points. One thing at least is admirable in Dr. Gasquet's method: there is no hesitancy about his ecclesiastical views—he has the courage of his convictions. After reviewing the difficulties which beset the student of this unique period in the history of the English Church, his verdict on the relations between England and Rome has been tabulated with commendable precision. The Pope of Rome was the suzerain power in England, or, in other words, the country was a fief of the Holy See. This state of things was not acceptable to either the clergy or the laity of the kingdom. There was widespread discontent on account of the rapacity of the Roman officials in church and state. The discontent, however, was reasonable, inasmuch as it was absolutely confined to opposition to the constant demands made upon the revenues of English churches, and to the introduction of foreigners to English benefices. And, last and most important of all, there was no attack during the reign on 'the spiritual supremacy of the popes': the Catholic theory of papal authority was frequently assumed in unmistakable terms by those most determined in their opposition to local abuses of the papal jurisdiction. These are the propositions which the author sets forth after an impartial study of the evidences of that period.

There is no need to take sides in a controversy of this kind. Men differ, and will continue to differ about the subtleties which underlie such a thesis as 'the spiritual supremacy of the popes' in England, whatever that phrase may mean. Dr. Gasquet has set himself the task of telling his story in the documentary language of the period of which he writes, but we cannot recall a single document of the thirteenth century where the papal supremacy is mentioned. As a matter of fact it was some centuries later that the phrase arose and became the subject of acute discussion. That the pope had power in England nobody can gainsay, and that power may be said to have reached its highest limit during the reign of Henry III. In an excellent chapter Dr. Gasquet has told us how it was attained. At one time King John said that with the common consent of his barons he had resigned his crown into the hands of the papal legate, and at another that it was by divine inspiration he had done so. Dr. Gasquet takes leave to doubt the truth of the King's first assertion, and an old historian like Jeremy Collier was obliged to remark on the second

that it was an odd stretch of the supremacy to make John 'a vassal and a hypocrite at the same time.' But perhaps on one proposition all shades of opinion may agree. If one King with or without the consent of his subjects could place the kingdom under the suzerainty or overlordship of a foreign authority, there can be no serious opposition to the subsequent occurrence in English history when that surrender was definitely annulled, and the kingdom withdrawn by future sovereigns. It is no fault of Dr. Gasquet's work that he has confined himself to a single reign, though one would have wished to see the larger issue discussed with more comprehension. The treatment of great questions piecemeal has evident drawbacks, and it makes little matter how independent and conscientious a writer may be, he is apt to leave behind him a wrong impression. There is nothing in these pages to warn the reader that the relations between England and Rome were not always so close during the medieval period. One lays aside the book with the feeling that the author had selected the reign of Henry III. as characteristic of 'the spiritual supremacy of the popes' in England before the ecclesiastical revolution in the sixteenth century. It is true that such did not come within the scope of the work, but when such prominence is given to the argument about papal supremacy, and every shred of conventional or euphemistic phraseology in official or complimentary letters is reproduced without abridgment, a word might have been said to indicate that the ecclesiastical policy of Henry III. was exceptional, and that succeeding kings were obliged to modify, limit, or reverse it as the requirements of church or state demanded.

It is a matter of taste whether Dr. Gasquet has adopted the best method of presenting us with an ecclesiastical history of the reign. Some readers might not be inclined to regard 'the spiritual supremacy of the popes' as a *vexata quaestio*, and in consequence they might not care to hear so many arguments in its support. On the other hand they might desire to know more of the results of the new policy on the religious condition of the people—the high spiritual advantages accruing to the English nation from its august vassalage to the Holy See. In vain will they look through these pages for any such presentation. Nobody with the documents before him can deny the almost unlimited power of Rome in England in the thirteenth century, and few students will be bold enough to say that the English Church had reached its highest level while the papal power was practically supreme. It is probable many will be found to agree with Matthew Paris that the devotion of the English clergy and people to their mother, the Church of Rome, and to their father and pastor, the Pope, was fast expiring after some experience of the actualities of subjection. But taking the book as a whole, and remembering the concessions that the author has made to those not likely to agree with him, one cannot withhold a word of praise for the diligent research manifest in every chapter, and the studied fairness with which one of the hottest of modern problems has been handled.

JAMES WILSON.

MAGNA CARTA: COMMENTARY ON THE GREAT CHARTER OF KING JOHN, WITH AN HISTORICAL INTRODUCTION. By W. S. McKechnie, M.A., LL.B., D.Phil. Pp. xix, 607. Demy 8vo. Glasgow: MacLehose, 1905. 14s. nett.

ALTHOUGH those who are least familiar with the contents of Magna Carta are among the most devout believers in its supreme importance as a bulwark of British liberties, it is not possible to scoff at an ignorance which has had the good sense to single out for imaginative notice just this particular document; for it is a document which is an inexhaustible receiver of all the learning historians can provide, and still leaves room for ignorant imaginings. Truly to know Magna Carta, in all its forms, to know the Great Charters of the thirteenth century, and the Stewart idea of Magna Carta, and to-day's idea of Magna Carta, is to know as much constitutional history as this country can afford. It is the real Magna Carta and the Magna Carta as seen through the centuries that Dr. McKechnie has commented upon in over 600 pages, yet deeply as he has studied his subject we doubt not that he would be the first to admit that it is not exhausted. To commentary on Magna Carta there is no end, but we question whether another commentary will venture to attempt to displace this one until some generations of historical students have been at work on new material. Dr. McKechnie has searched far and wide, especially among all manner of English sources, in pursuit of his laborious enquiry; and if in variety of legal opinion there is wisdom, the means to wisdom are provided. The arrangement of the book entails some repetition, and some matter which can hardly be regarded as essential to the main purpose of the book has been included, but the commentary is unfailingly suggestive, and contains much that will be new even to specialists. Papers which have appeared since the publication of the work have already carried historical knowledge a stage further in one or two directions; for instance, on the subject of the Council of St. Albans or the history of the persons proscribed by the charter, but to point this out is only to prove that most additions to our knowledge of the thirteenth century are additions to our knowledge of the charter. Point after point of the detailed commentary will have to be weighed by those who are engaged in teaching constitutional history by means of 'Select Documents.' A single instance must here suffice: in the very elaborate discussion of the difficult chapter which treats of the 'judicium parium' the author rejects the explanation offered by Mr. Pike, which seemed likely to find adherents, namely, that the 'judicium parium' is the judgment of the feudal court, and is contrasted, not coupled, with the 'lex terrae.' Dr. McKechnie, on the contrary, takes *vel* as a subdisjunctive, and translates *and*, a translation for which a passage in the *Dialogus de Scaccario* will give warrant. He illustrates in a particularly successful way, from statements closely contemporary, what he believes to be the true drift of the clause, that judgment must precede execution. The judgment is not to be the judgment of inferiors, and the accused shall have the customary means of proof, battle, ordeal, compurgation, inquest. Careful attention is given to the important question who was the *liber homo* whom Magna

Carta was intended to benefit. The commentator, whose open-mindedness never fails him, weighs with equal respect Stubbs' singular remark that the villeins obtain little notice in the charter because 'they were free from the more pressing grievances,' and Mr. Jenks' equally remarkable utterances on the purely selfish purpose of the baronial drafters of the document. When the use of the word *liber homo* in documents closely contemporary is considered, there seems to be less cause for hesitation over the question of his position than Dr. McKechnie is prepared to admit.

Little opportunity indeed for rhetoric does the real Magna Carta allow, and Dr. McKechnie deprives us of a last chance even over the concluding clauses, which he pronounces 'unpractical.' On this and a few other matters of opinion, as well as on a few matters of fact, the reader may be inclined to differ from the author, but anyone who turns to these pages for help in particular difficulties will find enough to persuade him that he had better read every section. There is a very serviceable index and appendix of illustrative materials.

MARY BATESON.

A HISTORY OF ACCOUNTING AND ACCOUNTANTS. Edited and partly written by Richard Brown, C.A., for the Chartered Accountants of Scotland. Pp. xvi, 459. 8vo. Edinburgh: T. C. & E. Jack, 1905.

THE art of setting out accounts and of examining them when presented as a record of transactions must have been in existence from the time that accounts began to be kept, but apparently no history of Accounting and Accountants has hitherto appeared. The present work is intended to fill the gap, and contains much interesting and well-ordered information. It commences with a chapter on numeration, excellent so far as it goes; but it might perhaps have been usefully extended so as to give some account of early arithmetic, and to explain how the ordinary operations of that art were performed with the cumbrous notation of the Greeks and Romans and to trace the development of the existing rules after the introduction of the Arabic notation. The ancient systems of accounting are well and adequately explained in so far as concerns public revenues. Something further might have been said as to the manner of keeping private and partnership accounts amongst the Romans. The next chapter on the early forms of accounts is particularly good. Without being too recondite or technical the method of stating accounts in use in this country from the earliest times is lucidly detailed, and the various improvements from time to time introduced are noted. From the forms of accounts the same author proceeds to auditing. This chapter, however, deals with the fact that accounts were audited, rather than with the manner in which the audit was conducted, and is limited to public accounts.

A history of Accounting must necessarily include that of Book-keeping. Two chapters are devoted to it, and they give the best and fullest account of the subject that has appeared in the English language. They have the advantage of being written by one who is practically conversant with all the details of Book-keeping, and who is consequently able to

grasp the salient points in each of the works he deals with and to compress a great deal of matter into comparatively short compass. The chapter on Early Italian Accountants is interesting and very much to the point, and the reader will wish that it had been longer.

From medieval Italy to modern Scotland is a long leap, but we are asked to make it. The next portion of the volume is devoted pretty much to the recent history of accounting or rather of accountants in Scotland, as well as in England, Ireland, the British colonies, and foreign countries. In reality it is pretty much a history of the chartered societies.

The Appendix contains a chronological list of printed books on Book-keeping up to the year 1800. This is founded principally upon the *Elenco Cronologico delle opere di computisteria e Ragioneria venute alla luce in Italia*, prepared by Giuseppe Cerboni and issued by the Italian Government; and the list given in the late Mr. Benjamin Franklin Foster's *Origin and Progress of Book-keeping*. This list contained only the books which Mr. Foster had in his possession or had passed through his hands, and was necessarily therefore imperfect. Some additions have been made, but the list is still far from being complete even as regards English works. Why it should stop at the year 1800 is not explained, and that it does so detracts greatly from its value. Seeing that the professed object of the work is accounting, this bibliography should surely have been supplemented by a bibliography of accounting. Even if nothing further had been done than to bring together the titles of the works referred to in the foot-notes this would have formed a serviceable list, and it could have been enlarged without trouble.

The lists of deceased Scottish Accountants are useful, but necessarily imperfect, as until within the last few years there was no official register. They have evidently been prepared with much care; but we need scarcely add that with the greatest care and trouble mistakes will creep in. For instance, Ludovic Grant is said to have died at Smithfield, September 3, 1793. It is true that a gentleman of this name died there on the date stated, but it was not the Edinburgh accountant. The latter died at Edinburgh, 17th September, 1792. The former was a well-known writer in Edinburgh and solicitor to the window-lights.

The chartered societies are to be congratulated upon the appearance of this work, which goes far towards accomplishing the object aimed at.

DAVID MURRAY.

NORTH AMERICA. By Israel C. Russell. Pp. viii, 435. Oxford: Henry Frowde, 1904. 7s. 6d. nett.

THE 'Regions of the World' series of volumes issued by the Oxford University Press is already well known as expounding the new Geography—applied Geography, Biology, and Ethnography—which is very different from the dry-as-dust subject that has been wont to masquerade in our schools under the title of Geography. Professor Israel Russell's volume on North America is well fitted to rank alongside Mr. Mackinder's interesting

work upon the Geography of Britain, though perhaps less complete and comprehensive, owing no doubt to the fact that limitation of space compelled the author to excise several entire chapters of the work as originally planned. The book as published is divided into eight chapters dealing in turn with (1) The Physiography of the marginal zone of the Continent, with its projecting submarine shelf; (2) The general topography of the Continent; (3) Climate; (4) Plant Life; (5) Animal Life; (6) Geology; (7) Aboriginal inhabitants; and (8) Political Geography. All of these are to be commended for their interest; and in many passages the graphic descriptions bear witness to the author's intimate personal knowledge, gained doubtless in great part during his work as a field Geologist. It is perhaps the last two chapters which call most for special remark in this review. In that dealing with the aboriginal inhabitants, the author first considers the general problem of the antiquity of Man on the North American continent. He shows that there is not as yet any trustworthy evidence of the existence of Man on that continent until after the close of the Glacial Period. But while the evidence of the existence of Man is confined to times which are Geologically recent, it yet extends to periods historically very remote. Taking the highly reliable evidence afforded by language, looking to the wonderful diversity amongst native tongues of America, and the absence of any signs of affinity with the oldest known linguistic stocks of the Old World, the conclusion is unavoidable that Man 'set foot on American soil before the sprouting of the linguistic twig, which, after millenniums, produced the cuneiform inscriptions of ancient Persia and Assyria.' General Ethnographical evidence entirely supports this view—the evidence of beliefs, arts, customs, the presence of domesticated animals and plants evolved independently of those of the Old World. Perhaps the author goes too far in saying that the domesticated animals are 'with not even a single exception' peculiar to the Continent, for the existence of a purely native name for 'dog' in various American languages seems to point to that animal having been domesticated by the Aborigines of America long before the advent of Europeans.

In passing, the author takes occasion to draw attention to the misleading use of the too persistent terms 'Stone Age'—with its subdivisions paleolithic and neolithic, 'Bronze Age,' and 'Iron Age,'—pointing out that classification of this artificial character would bracket together as of equal stages in development the lowest American savage and the highly civilized Aztec or Maya.

After treating of such general topics, the author proceeds to more particular descriptions, and makes a survey of the two main groups of aboriginal inhabitants—Eskimo and Indian—and of their chief subdivisions, giving in concise and interesting form an account of their more prominent physical and ethnological characteristics.

The concluding chapter on Political Geography is disappointingly short, most of it being taken up with a discussion of ideal and other methods of forming political boundaries. Finally, the conclusion—for which much is to be said and which is certainly pardonable in a citizen of the United States—is reached that 'the Continent, as shown by its geology

and geography, is a unit,' and that 'the one boundary in North America should be the Shore boundary, except at the thirty-mile-wide Isthmus of Panama.'

In the other chapters of Professor Russell's work much valuable information will be found set forth in thoroughly readable form. There are powerful appeals to the imagination in some of the physiographical facts described, such as the submerged valley of the Hudson, passing far out under the Atlantic in a great cañon over 2500 feet deep and three miles wide, or that of the St. Lawrence extending right out to the brink of the continental shelf some 200 miles to the eastward of Nova Scotia. And in the chapter on Animal Life, after an interesting account of the more prominent wild mammals, we find a charming passage describing with the touch of an enthusiast the Spring time music of the Bird inhabitants—how in the New England woods the twittering of the birds at the first flush of dawn gradually swells up with the songs of hosts of warblers and thrushes till the air pulsates with music, and how, as the dawn speeds westward over the continent, it is preceded by the wave of song induced by its coming, which ceases only when the sea-birds of the Pacific take up the note that was dropped on the distant Atlantic coast.

J. GRAHAM KERR.

A STUDENT'S HISTORY OF SCOTLAND. By David W. Rannie, M.A.
Pp. x, 300. With 4 maps. Cr. 8vo. London: Methuen & Co.,
1904. 3s. 6d.

SCOTTISH students of history probably will not approve of this any more than of most previous attempts to sketch the history of their country. But, for the practical purposes of the schoolmaster Mr. Rannie's work is the most likely book that has yet appeared. The drawback of Scottish history for young students is the amount of mere antiquarianism that it necessarily contains, which, however inspiring for purposes of patriotism, is deterrent from the educational point of view. Mr. Rannie has striven to overcome this difficulty by writing from the standpoint of the relations between Scotland and England. If the study of English history is hampered by too insular a view, the intelligent appreciation of Scottish history has from the same cause become almost impossible. Mr. Rannie pleads for the study of two kindred developments, one on either side of the Tweed, and his little book of 300 pages should help to make this possible. It is clearly conceived and readably expressed, and the maps are sufficient. A map of ecclesiastical Scotland might have been added with advantage. Scotland was not so isolated before the Reformation as she became afterwards, until the Union drew her once more into commercial connection with outside lands. The story closes necessarily, from the writer's point of view, at 1746. If there ever is to be a school of historical study in the Scottish Universities, the foundation for it must be laid in the secondary schools by the inculcation of a suspension of moral judgments. With such judgments the historian has nothing to do. Mr. Rannie knows this and strives to remember it.

DUDLEY J. MEDLEY.

LOGIE: A PARISH HISTORY. By R. Menzies-Fergusson, M.A., Minister of Logie. Vol. ii. pp. 319. With 23 illustrations. Crown 4to. Paisley: Alexander Gardner, 1905. 15s. nett.

THIS handsome volume worthily concludes Mr. Fergusson's account of the parish in which he is happily settled. The first volume, which was noticed in the *Scottish Historical Review* for July last, dealt very fully with the ecclesiastical annals of the parish, and the present volume may be regarded as giving its civil history, although the method adopted by the author necessarily omits some of the phases of parochial life. He takes up in the order followed in the Commissioners' 'Report on the Kirk and Parish of Logie,' prepared in 1627, the various estates within the parish bounds, and gives an exhaustive account of the lands and their owners, derived from historical sources, the charters and other writs in the possession of the present proprietors, and public and private records. This plan has the advantage of affording easy reference to the families which have been connected with Logie from an early period, and genealogists will find information about pedigrees which has not hitherto been available, although there is still room for additional labour to fill up the blanks in several of the charts here published for the first time. Among the holders of land in the parish, as Mr. Fergusson mentions in his preface, will be found the Stuart Sovereigns, some of the ancient religious houses (to wit, the Abbey of Cambuskenneth and Cistercian Nunnery of North Berwick), and many of the noblest and oldest families connected with the Scottish nobility. The Grahams of Montrose, the Shaws of Sauchie, the Stirlings of Ardoch and Keir, the Erskines of Mar, the Drummonds of Perth, the Setons of Touch, the Murrays of Tullibardine and Polmaise, the Hopes of Hopetoun, the Campbells of Argyll, the family of Dundas, the Earls of Stirling and Strathearn, and others, appear in close relation with the civil history of Logie. A wider interest therefore attaches to Mr. Fergusson's work than its title would indicate. It is remarkable how many eminent Scotsmen come within the author's purview, and their achievements are noted with a proper pride. No one who peruses these pages can fail to be impressed with the industry of which they are the product, while evidence is not wanting of Mr. Fergusson's carefulness and anxiety to be accurate. Some of the smaller details, indeed, might have been omitted without injury to the volume. Taken as a whole, the value of the work as a parish history on modern scientific lines can hardly be too highly estimated. A popular account of the geology of the parish is supplied by Mr. D. B. Morris, Town Clerk of Stirling, and there is a list of place-names, with interpretations of their Gaelic origins which may provoke criticism. The illustrations include reproductions of portraits of the famous Abercrombys of Airthrey, and two interesting old maps. The index is deserving of praise.

W. B. Cook.

Barnard : Companion to English History 235

COMPANION TO ENGLISH HISTORY (MIDDLE AGES). Edited by Francis Pierrepont Barnard, M.A., F.S.A. Pp. xv, 352. Crown 8vo. With 97 illustrations. Oxford : Clarendon Press, 1902. 8s. 6d. nett.

WITHIN the compass of 350 pages the historical student will find essays on such subjects as architecture, costume, army and navy, town and country life, monasticism, trade, learning, art, to which, in the ordinary narrative histories allusions are so tantalisingly scanty. Each section is the work of a separate writer, and, where there is so much ground to cover, great restraint has been necessary. Twenty-four pages is a short allowance for a description of the ecclesiastical architecture of the Middle Ages, but by the aid of careful arrangement and well-chosen illustrations, the salient features are impressed upon the reader's mind. The names of most of the writers are a guarantee of the quality of the work—Professor Oman on Military Architecture, Mr. Townshend Warner on Country Life, Dr. Jessopp on Monasticism. The bibliography at the end of each article is within the compass of anyone who has access to a good library.

DUDLEY J. MEDLEY.

It is a pleasure to find such excellent Readers available for use in schools as the Scottish Edition of *Macmillan's New History Readers*. The appearance of the four books : Primary, Junior, Intermediate, Senior, is itself a recommendation ; they are beautifully printed and illustrated, and tastefully bound, while the subject matter has been well chosen and skilfully graded. A common and fatal error in such books is to pack them too full of facts, with the result that they are distinctly dull ; here, while a sufficient amount of information is given, mere knowledge has not been allowed to interfere with the more important end of making the subject really interesting. The concentric method has been adopted with very happy results, and the history lessons have been correlated with geography. Geographical details are best learned in their associations, and one would fain hope that few teachers now condemn their pupils to commit to memory barren lists of names. In deference to the feelings of those that object to the constant use of the words England, and English, when the British Islands and their inhabitants and interests are being spoken of, the words Britain, Britons, and British, are used. These terms are not free from objection, for the population of these islands consists of Britons, Gaels, Jutes, Angles, Saxons, Danes, Norsemen, etc., and a common name is not easily found. Useful summaries are provided of the Junior, Intermediate, and Senior Readers.

A. M. WILLIAMS.

From the Proceedings of the British Academy comes *Ernst Curtius* (Oxford University Press, pp. 24, 1s. nett), being Dr. Thomas Hodgkin's sympathetic memoir of the great historian of Greece (born 1814, died 1896), who, although an idealist in his writings, did so much on the severely practical modern line of classical research by excavations.

Our contributor M. Étienne Dupont has compiled a *Bibliographie Générale du Mont Saint-Michel* (8vo, pp 62; Avranches, Jules Durand, 1905), being a hand-list of (1) special works, (2) journal articles, and (3) early MSS. relative to the famous rock fortress and abbey. He begins by claiming that in literature the Mont is a cycle. This he proves amply, although his list needs large addition of romance works, French and English; for the place had a poetic renown on both sides of the Channel wider than this useful preliminary bibliography evinces. One interesting Scots item occurs regarding Scottish prisoners in the Mont in 1547, being a reference to the *Revue de l'Avranchin* (tome xi. No. 1, p. 40).

We have received new editions of *Life of Mansie Wauch*, with the Cruikshank illustrations (Blackwood & Sons, 2s. 6d. nett), and the translation of Goethe's *Faust* by Anna Swanwick, with an introduction by Dr. Karl Breul (George Bell & Sons, 2s. nett). These are both pretty volumes and handy in size. We have also to acknowledge *Notes and Queries for Somerset and Dorset* (Sherborne, J. C. & A. T. Sawtell), and *Berks, Bucks, and Oxon Archaeological Journal* (October), with good accounts of castles and churches. Among pamphlets received is *The Hungarian Diet of 1905*, compiled by A. B. Yolland (Budapest, Franklin Society, 1905), a curious manifesto containing the Hungarian protest and constitutional claim in the present difficulty with his 'apostolic majesty' the king. Also a social science monthly, *Kritische Blätter für die gesamten Sozialwissenschaften* (Dresden, Boehmert), bibliographical and critical in its scope. To the Hawick Archaeological Society Mr. J. B. Brown recently communicated a detailed article on the French troops in the Borders in 1548, containing extensive translations from Jan de Beaugué's *L'Histoire de la Guerre d'Escosse*, first published at Paris in 1556. He has favoured us with a reprint. Mr. Brown's rendering of the French is free and vigorous, although far from exact. The general events of the Scottish campaign are well traced.

In *The English Historical Review* (Oct.) Mr. W. T. Waugh traces to its close the Lollard career of Sir John Oldcastle, and Professor E. P. Cheyney tackles a difficult theme—to determine the state of international law under Elizabeth, especially in sea causes. The results are more on the side of light than the deeds of the sea-dogs on the Spanish Main and elsewhere might have led us to anticipate. Mr. R. W. Ramsey finds in the church records of Houghton le Spring in Durham much curious information on rural life, prices, taxation, the parish share in the civil wars, the Solemn League and Covenant, the church collections and doles, the library and the epitaphs of the place from 1531 until 1771. The list of bellringings is oddly instructive: the bells followed the politics of the Vicar of Bray. On the subject of the alleged Norman origin of 'Castles' in England, an important discussion appears, presenting both sides, with an editorial footnote containing the gist of the original contributor's rejoinder. Dr. T. Davies Pryce, while agreeing with Mrs. Armitage that the Normans erected *mottes* during and after the Conquest, dissents

from the assumption that they were then novelties in England, and assails her position as regards several specific places in England, Wales, and Ireland. Mrs. Armitage's answer upholds her previous statements in the instances impugned, although she does not pretend to offer conclusive evidence that there were no private castles in England before the Conquest. On the other hand, Dr. Pryce's counter-argument scarcely appears to go so far as to challenge the proposition that the *motte* type is Norman and to be interpreted as such in British history. Mr. H. W. C. Davis debates the 'unknown charter of liberties' which Mr. Round first edited and which has since been discussed by Mr. Prothero, Mr. Hall, and Mr. McKechnie as relative to Magna Carta. He concludes, a little differently from Mr. McKechnie, that the unknown charter is intermediate between the Articles of the Barons and the final Great Charter.

We congratulate and heartily welcome the *Modern Language Review* (Cambridge University Press) on its fresh start as a specialist journal of research and investigation, largely on themes of English language and literature. In the first number we note as on historical lines Mr. Paget Toynbee's paper tracing Dante's English translators of the eighteenth century, Mr W. W. Greig's discussion of the authorship of songs in Lyly's plays, and Miss Crosland's editing of a fifteenth century German version of the widespread legend regarding a thief on the gallows who is miraculously kept alive by the Virgin for three days, when he confesses, receives the host, and goes to heaven.

The Reliquary has a budget of capital pictures with letterpress equally informative. There are glimpses of old ploughs, yokes, ox-shoes, and flails; there are fine examples of renaissance medals of Christ; and the sculpturings of the caves at East Wemyss are presented with cognate ornaments from Norries Law. A Norman font from Thorpe-Salvin, Yorkshire, is shown, representing the Four Seasons of the year,—a subject which, as Mr. Romilly Allen says, is rare in Norman sculpture in England.

In *Scottish Notes and Queries* (Aberdeen, Rosemount Press) for October, Mr. J. M. Bulloch traverses in some detail the points alleged against his views by Mr. A. H. Millar in our columns (*S.H.R.* ii. 192), and advances examples of confusion between 'Bulloch' and 'Balloch.'

The Celtic Review has from time to time notable Gaelic matter, such as Professor Mackinnon's editing of an old Irish tale from the Glenmasan MS. and Mr. Macbain's study of Highland personal names.

In the *American Historical Review* for October Mr. James F. Baldwin shows that current views of the history of the king's council in fourteenth-century England require to be modified, and that its organised development dates considerably earlier than the time assigned by Sir Harris Nicolas. Professor E. P. Cheyney brings out a curious feudal connection between the United States and the county of Kent in the fact that charters by James VI. and I., Charles I. and Charles II., of Virginia, Massachusetts

Bay, the Carolinas, and other lands in America, were granted, to be held of the King of England 'as of the Manor of East Greenwich in the County of Kent in free and common soccage.' This tenure derives from the residence of the Tudor sovereigns at Greenwich, whence it passed into common form in the grants of crown lands, and continued when James and his successors had ceased to favour Greenwich as their home. Mr. Paul van Dyke discusses Maximilian I. as author. Mr. Goldwin Smith sets forth Burke's views of party, and Cap. Mahan examines, with special reference to their American aspects, the negotiations for the Treaty of Ghent in 1814. There is a notable review of M. Henry Vignaud's *Études Critiques sur la Vie de Colomb avant ses Découvertes*, which appears to make clear some places darkened by diplomatic inaccuracies, for which Columbus himself is made to answer. The explorer, however, was neither the first nor the last to coin or countenance genealogical fiction.

The *Revue Historique* (Sept.-Oct.) is chiefly concerned with Rousseau in Geneva and Napoleon in Italy. A critical survey of medieval studies in French history lays stress on the pagan origins of the Ordeal among European institutions. The Nov.-Dec. issue has a full and careful paper on Marie de Médicis.

In a critique in the *Revue des Études Historiques* (July-August) M. Louis Madelin examines from an opposite angle M. Coquelle's *Napoléon et l'Angleterre*, 1803-1813, especially as regards the rupture of the Peace of Amiens.

The *Analecta Bollandiana*, published quarterly at Brussels by the Société des Bollandistes, carries on a noble tradition in all that concerns hagiology. Issues of July and October, 1905, contain, besides minor texts of the lives of saints, an important series of catalogues of hagiographic manuscripts in various libraries, viz., those of the chapters of St. Peter in the Vatican, of St. John in the Lateran, and of St. Mary Major, as well as those of the Bollandist Library itself. These are accompanied by a valuable bulletin of hagiographic publications containing a useful survey of historical and critical studies all over that special field. Among British subjects of discussion we note, p. 393, a commendation of Harnack's 'ingenious exegesis' relative to the letter of King Lucius to Pope Eleutherius referred to by the Venerable Bede (*Hist. Eccl.* i. cap. 4). By the new reading of Bede's supposed source, the words *epistolam a Lucio Britannio rege* are interpreted as referring, not to a British king at all, but to a historical potentate of Bithra in Edessa—a Mesopotamian realm, whose actual sovereign was Lucius Aelius Septimius Megas Abgarus IX. Authorities have for a while regarded Lucius, the so-called first Christian king of Britain, as a merely fabulous monarch: the merit of Harnack's explanation is that it so reasonably accounts for the misconception which gave him birth. Geoffrey of Monmouth, it may be remembered, declared him the son of King Coilus, to whom Boece and Buchanan and Burns have given local habitation and poetic name and fame in Kyle. A less

complete process of disillusion is seen in progress in pp. 397-99, where St. Alban, the proto-martyr of England, threatens to fade into a shadow-picture of Saints Irenaeus and Symphorian. A few pages further on (pp. 510-12) it comes to a Scottish saint's turn, and there are debated the rival claims of the Breton St. Servais and our St. Serf or Servanus. The latter appears to get short shrift from Monsieur l'Abbé L. Campion: 'quant à Servanus' (says the abbé's critic in the *Analecta* setting forth the abbé's conclusions), 'très probablement il n'aurait jamais existé.' But the critic is far from satisfied with the abbé's argument, and our saint of Loch Leven still lives. However, he is challenged by his namesake of the town of St. Servan in the department of Ille-et-Vilaine (see *Annales de Bretagne*, tome xix. pp. 321-63, 565-600, 629-30, *Revue de Bretagne*, tome xxxi. (1904) 491-97). It is a sign of our emancipated time that the Society of Bollandists can with the most cheerful historic impartiality contemplate such sacrifices as these would imply on the altar of the higher criticism.

Englische Studien (Leipzig, O. R. Reisland) in its August issue has a long and important article, 'A History of Pastoral Drama in England until 1700; by Josephine Laidler.' Retracing the origins of Italian pastoral drama to the classical bucolic eclogue, Miss Laidler shows its evolution through the *Orfeo* of Poliziano (1474) in the pastoral romance, the *Arcadia*, of Sannazzaro (1504), and the subsequent experiments of Sidney Peele and Lyly with the definitive work of Sidney, the *Arcadia* of 1590, which so powerfully influenced English literature. During the seventeenth century numerous plays attested the pastoral fashion, and one and twenty of them, by authors from Daniel (1606), and Fletcher (1610), and Jonson (1637)—when this type of play was at its best—down through Heywood and Cowley (1638) to Flecknoe (1664) and Oldmixon (1697) are analysed by Miss Laidler. She perceives the increasing sophistication of the age as the cause of progressive decay, although she rightly maintains that the great charm of the finest pastoral plays being poetic, not dramatic, the human element vital for the stage was necessarily absent, and the fates were contrary. Miss Laidler's well-documented study calls for hearty praise were it only for its helps to the criticism of Allan Ramsay's *Gentle Shepherd* (1725) and its contribution to the illustrious pedigree of the rustic figures of Patie and Roger. The November issue has a good note on the *Brut* and the Havelok saga. A Scottish question of interest is asked by Dr. W. Bang, who seeks to know the whereabouts of the MS. dating circa 1513 of the *Priests of Peebles* alluded to in Laing's preface to that poem. The immediate point involved is the relationship between the moral interlude *Everyman* and the third tale of the *Priests of Peebles* in view of the marked allusion in the line:

'And summond this riche man we of reid.'

Perhaps it may be well for our German friends to look at Mr. Renwick's *Peebles: Burgh and Parish*, pp. 55-57, regarding the possible identification of the three priests as helping to fix some dubious dates.

Queries

ADDER'S HEAD AND PEACOCK'S TAIL. Ought not the last line of Ian Lom's poem (to which Mr. Millar, in his interesting 'Killiecrankie described by an Eye-witness,' in last number of the *S.H.R.* p. 10, refers as an 'obscure metaphor') to be rendered, 'With an *adder's* head it will have a peacock's tail'? I presume the word in the original is *nathair* 'adder,' which is also, of course, the general word for 'serpent' or 'snake,' the adder being perhaps the only representative of the serpent or snake family known to the Gael; but in English the harmless 'snake' is usually differentiated from the venomous 'adder' or viper. In Macleod and Dewar's *Dictionary*, English-Gaelic part, I find 'adder' rendered 'nathair,' but 'snake' explained as *gné nathrach gun phuinnsein*, 'a kind of adder without poison.' The rhetorical antithesis between the stinging and venomous adder's head, and the harmless and brilliant peacock's tail is well known to me, as I suppose it is to most Scotchmen, in the weather adage which I used to hear annually when a youth in Teviotdale, 'March comes in with an adder's head, and goes out with a peacock's tail.' I remember how surprised I was to find this supplanted in the south of England by the much less picturesque 'March comes in with the lion and goes out with the lamb.' One would like to know the historical relation between the Gaelic and Lowland Scotch versions of the expression: is the Lowland Scotch a translation from the Gaelic, or is the latter taken over from the Lowland speech? How old is the peacock in Scotland? When is it likely to have been first known in the Highlands? It was no doubt introduced from the south, and known in the Lowlands earlier than in the *tir nam beann 'us nan gleann*. So that the antithesis of peacock's tail with adder's head may have arisen first in the Lowland tongue. But can any example of the Lowland use be found older than, or as old as the Gaelic of Ian Lom?

Oxford.

JAMES A. H. MURRAY.

CAMPBELLS OF ARDEONAIG. According to Miss M. O. Campbell's *Memorial History of the Campbells of Melfort* Alexander Campbell of Ardeonaig married, 1666, Elizabeth, daughter of Robert Campbell of Glenlyon, by whom he had two sons: Colin, who succeeded him, and John, baptised 1677; but the Perthshire Sasines show that Alexander Campbell married, first, Jean, daughter of Colin Campbell of Mochaster, contract dated October, 1665, secondly, Elizabeth, eldest daughter of Robert Campbell of Glenlyon, contract dated 8th September,

1686. Which was the mother of his two sons? There is some reason for believing that the above date 1677 may be a mistake for 1697.

A. W. G. B.

ABBOTS OF THE HOUSE OF DUNDRENNAN. I should be glad of any additions to the following list. The numbers in front of the names indicate the order in which Mr. Æneas B. Hutchison has placed the abbots in his work on the Abbey:

1. Silvanus, 1142-1167. Translated to Rievaulx.
Galfrid, c. 1617-1214. (Chancery Misc. Portfolios, 41/125.)
2. Geoffry, 1222. Died at Alba-ripa (*Mel. Chron.*).
3. Robert Macussal, 1223. Created abbot 5th Jan. (*Mel. Chron.*).
4. Jordan, 1236. Deposed (*Mel. Chron.*).
5. Leonas, 1236. Elected 7th May. 1239 Translated to Rievaulx.
6. Richard, 1239. (*Mel. Chron.*)
7. Adam, 1250. Died (*Mel. Chron.*).
8. Bryan, 1250. (*Mel. Chron.*)
Walter, 1296. (Ragman Roll.)
John, 1305. (Charter 33, Edw. I. m. 3.)
Giles, 1347. (*Papal Registers* of Clement VI.)
Patrick McMen, 1426. (Olim Abbate. *Reg. Mag. Sig.* 185.)
9. Henry, 1437. (*Statistical Account of Scotland.*)
10. Thomas was abbot fifteenth century.
11. John Maxwell, 1525. (*Monastic Annals of Teviotdale.*)
Adam Blackadder, 1559.
12. Edward Maxwell, 1584-1595.
John Murray, 1598.

The Hayes, Bakewell, Derbyshire.

HENRY A. RYE.

[Undernoted are four additions to our correspondent's list:

- William, 1180. (*Acts Parl. Scot.* i. 388 (red ink).)
William, 1456, 1460. (*Exchequer Rolls*, vi. 191, 641.) 1473.
(*Exchequer Rolls*, viii. 164.)
James Hay (postulate), 1516, 1517. (*Reg. Mag. Sig.* iii. 145, 163.) (abbot) 1517. (*Exchequer Rolls*, xiv. 279.) 1524.
(*Exchequer Rolls*, xv. 84.)
Adam (commendator), 1543. (*Reg. Mag. Sig.* iii. 3106.)]

JOHN BUCHANAN, LAST LAIRD OF THAT ILK. Buchanan of Auchmar states that he died in December, 1682. Mr. Guthrie Smith in his *History of Strathendrick* says that he was dead before 6th September, 1681, but does not give his authority. It is certain that the Laird was alive in January, 1681, but was dead before January, 1683. Where and when did he die?

A. W. G. B.

Communications and Replies

‘GRETNA GREEN AND ITS TRADITIONS.’ I desire to offer a few remarks upon the notice of this book which appeared in the *Scottish Historical Review* for October (Vol. iii. p. 125). Two excellent illustrations are reproduced, one of which is of a comparatively modern sculpture professing to represent the whole achievement of Johnstone of Gretna—the escutcheon displaying the paternal arms without difference, an esquire’s helmet with mantling, surmounted by a wreath on which is set the crest, and over all a scroll with the motto of that branch of the Johnstones—*Cave paratus*.

Johnstone of Gretna or Graitney appears never to have obtained a separate grant of arms, for although Nisbet says the arms of that branch of the clan were matriculated in the Lyon Register as *argent*, a saltire *sable*, on a chief gules three cushions *or* (*Heraldry*, i. 144), which are the arms of the head of the family, Johnstone of that ilk, they are not to be found there now. But Nisbet, writing before 1722, says he had seen another stone ‘in front of the house of Gratney,’ in which the saltire is given between two mullets or stars in chief and in base, doubtless for difference. Mr. G. Harvey Johnstone has discovered this stone lately, built into the wall of a barn at Old Graitnay farm, with the initials J. J. beside the shield (*Heraldry of the Johnstones*, p. 36). The puzzling circumstance is that, while the present Gretna Hall dates from 1710, the Johnstones had parted with the property before that date.

The other illustration reproduced from *Gretna Green and its Traditions* represents the famous Clochmabenstone, rightly so described under the print, but referred to in the text of the review as ‘the Lochmaben stane,’ by which name it is commonly called in the neighbourhood. I have not seen the book itself, and do not know whether the author explains the meaning of the name, which I was at pains to elucidate some years ago. It may be worth while to repeat very briefly the result.

Constantly as it is mentioned in early writings both as a trysting place for the muster of troops to undertake or repel invasion, and also for meetings between the English and Scottish Wardens to settle matters in their jurisdiction or to arrange the terms of truce, these were but episodes in the old age of the Clochmabenstone. In the *New Statistical Account* (1845) it is stated that this boulder was formerly the centre of a ring of large stones, enclosing about half an acre, removed in the operations

of agriculture. Thus this boulder was part of a prehistoric monument of the kind usually, though unwarrantably, called Druidic; probably sepulchral, marking the grave of a fallen chief. It may be observed in reference to its popular modern name, Lochmabenstane, that it is at least seventeen miles from Lochmaben, that there is no 'loch' near it, and that the true form of the name may be found in *Fœdera* (Vol. iii. part 4, p. 152) in connection with a meeting of commissioners in 1398 at Clockmabanstane. Here the prefix is the Gaelic *cloch* (in modern Gaelic *clach*), a stone, and the suffix is pleonastic, added, no doubt, when the English-speaking people of Dumfriesshire had forgotten the meaning of the prefix. Cloch Mabon, then, appears to be the stone or burial place of Mabon, just as Cloridrich, near Lochwinnoch, probably marks the burial place of Rydderch Hael, the Christian conqueror of Strathclyde.

Who was Mabon? Was he an individual, or is the name to be interpreted in the modern Welsh sense in which it has been affectionately conferred by the Welsh miners on Mr. Abraham Thomas, M.P., meaning a young hero?

Two individuals at least, named Mabon, are mentioned in the Welsh Bruts. The 31st poem in the *Black Book of Carmarthen* contains the following:

Line 11. 'If Wythnaint were to go,
The three would be unlucky:
Mabon the son of Mydron,
The servant of Uthir Pendragon;
Cysgaint the son of Banon,
And Gwyn Godibron

Line 21. Did not Manawydd bring
Shattered shields from Trywruidd?
And Mabon the son of Mellt
Spotted the grass with his blood.'

The late Dr. Skene identified Trywruidd with Trathen Werid, the scene of King Arthur's tenth battle, fought in 516, taking it to be the same as the Treuruit of Nennius. He gave good reasons for supposing it to have been on the estuary of the Forth near Stirling.

One or other of these Mabons receives much more explicit mention in the eleventh and eighteenth poems of Taliessin, a bard who is known to have written in the sixth or early seventh century.

xi. line 26. 'A battle in a wood of Beit at close of day,
Thou didst not think of thy foes:
A battle in the presence of Mabon.'

This poem celebrates the deeds of Gwallawg ap Lleenag, who, it has been supposed, was that Galgacus whom Tacitus describes as fighting against Agricola in A.D. 80, the same as the shadowy King Galdus, whose name is still attached to the fine stone circle at Torhouse, near Wigtown—King Galdus's tomb. Dr. Skene identified the wood of Beit with Beith in Ayrshire, but it is just as likely to have been one of the

many places named after the birch in Galloway—Beoch, Dalbeattie, etc. Moreover in this poem two places in Galloway are specified as scenes of Gwallawg's battles, viz. 'the marsh of Terra,' now Glenterra or Glentirrow in Wigtownshire, and *pencoet cledyfein*—the woodhead of Cluden, near Lincluden.

xviii. line 17. 'A battle, when Owen defends the cattle of his country,
Will meet Mabon from another country,
A battle at the ford of Alclud.'

Alclud, of course, is Dunbarton; the topography of the next battle may be recognised pretty confidently as that of Mabon's own district on the Solway, which Owen invaded in revenge for the other's raid.

Line 23. 'A battle on this side of Llachar.
The trembling camp saw Mabon
A shield in hand, on the fair portion of Reidol.
Against the kine of Reged they engaged,
If they had wings they would have flown,
Against Mabon without corpses they could not go.
Meeting, they descend and begin a battle;
The country of Mabon is pierced with destructive slaughter.'

Here Reidol seems to be Ruthwell on the east side of the Lochar (Llachar). The 'kine of Reged' are Owen's people from the district between Dunbarton and Loch Lomond, which was known as Reged. The poem goes on to tell of the total defeat of Mabon, 'about the ford of the boundary,' which may well have been on the Kirtle or the Sark.

Line 43. 'The resting place of the corpses of some was in Run.
There was joy, there will be, for ravens.
Loud the talk of men after the battle.'

Here, then, we may suppose that Mabon, the chief man of all that district, fell and was buried under the great stone close to 'the ford of the boundary'; a circle of smaller stones being set round for perpetual memorial. It may well be that Mabon dwelt beside the lake called after his name Lochmaben, and that 'loch' having remained in the lowland Scottish vernacular, while 'cloch' has disappeared from it, the similarity of sound in the two vocables has caused confusion between the residence and the burial place of Mabon.

HERBERT MAXWELL.

[Our Reviewer of this book (*S.H.R.* vol. iii. p. 125) writes:

'Lochmabenstane' has been the standard form since the middle of the fifteenth century. (*Rotuli Scotiae*, ii. p. 413, 510; Bain's *Calendar*, iv. 1409, 1513.) The battle of Sark, fought in 1449, was by contemporaries styled 'the battell of Lochmabane stane.' (Asloan MS. (print) p. 18.) As to the etymology given above, the *cloch* is an old-established certainty, and the *maben* a suggestion to be considered with the others. (See Neilson's *Annals of the Solway*, p. 19.) As to Reidol I am obdurate.]

THE ANDREAS AND ST. ANDREW. Among the too scanty remains of Anglo-Saxon poetry is an interesting work, the *Andreas*, which treats of certain marvellous incidents in the legendary history of the Apostles St. Andrew and St. Matthew. It forms part of the great find made in 1822 by Dr. Blume at Vercelli, near Milan, of a manuscript volume, the Vercelli Book, or Codex Vercellensis, in eleventh century handwriting, of Anglo-Saxon homilies and poems. The poems are six in number and of supreme interest; they are *Andreas*, *Fates of the Apostles*, *Address of the Soul to the Body*, *Falseness of Men*, *Dream of the Rood*, *Elene*. Of *Andreas* sufficient will be said presently; here a word or two may be said about the others. *Fates of the Apostles*, in itself a somewhat dull collection of versified notes, has, if certain critics be right, an important bearing on the authorship of *Andreas*. Professor Gollancz regards it not as an independent composition but as an epilogue to *Andreas*, and at Vercelli, Professor Napier came upon a set of lines containing the runes of the name Cynewulf, a somewhat shadowy Anglo-Saxon poet, whom we know as the author of three poems—*Elene*, *Crist*, *Juliana*, from the fact that he has woven into each of them the runic spelling of his name. 'In the Vercelli book,' says Professor Earle, 'it occurs in the *Elene*, the last of the poems in the manuscript, and Mr. Kemble remarked that it was "apparently intended as a tail-piece to the whole book."' This naturally suggests the inference, which indeed is generally accepted, that all the poems in the Vercelli book are by Cynewulf. This poet's runic device affects us somewhat as when, at the end of a volume of Coleridge's poems, we come upon his epitaph, written by himself:

'Stop, Christian passer by!—Stop, child of God!
And read with gentle breast. Beneath this sod
A poet lies, or that which once seem'd he—
Oh! lift one thought in prayer for S. T. C.'

But all critics are not prepared to allow the *Fates* to be tacked on to the *Andreas* (Professor Saintsbury is wicked enough to call it 'a process slightly suggestive of what is said to be occasionally practised on violins'), or to accept the incorporation in the *Fates* of the runic lines discovered by Professor Napier. If the two positions were accepted, the authorship of *Andreas* might be assigned to Cynewulf, and a hotly-contested point would be settled. *The Address of the Soul to the Body* in the Vercelli Book is in two parts, the first, the address of a sinful Soul, the second (a fragment) the address of a virtuous Soul. Another text of the first part is preserved in a noble volume of Old English verse, the Exeter Book, or Codex Exoniensis, one of the books gifted to Exeter Cathedral in the eleventh century by Leofric, tenth bishop of Crediton and first bishop of Exeter, and one is glad to have two texts of a deeply impressive poem. The main idea of the poem is exactly defined by Milton:

'when lust

Lets in defilement to the inward parts,
The soul grows clotted by contagion';

while the grim realism with which here as everywhere our old poets treated war, storm and death, is faithfully reproduced by Tennyson :

‘Hark! death is calling
While I speak to ye,
The jaw is falling,
The red cheek paling,
The strong limbs failing:
Ice with the warm blood mixing:
The eyeballs fixing.’

The same stern, unrelenting treatment appears in *Andreas*. *Falseness of Men* is a fragment of a versified sermon on the 28th Psalm. For example, lines 15-18, ‘Mischief is in his heart, stained is his soul with sin, steeped in treachery, full of guile, although his outward speech is fair,’ expand the Scriptural passage—‘which speak peace to their neighbours, but mischief is in their hearts.’ This paraphrasing of Holy Writ is a leading feature of Anglo-Saxon Christian literature: it is prominent, for example, in *Andreas*. The *Dream of the Rood* deals with a subject that had been treated in an earlier poem, part of which is cut in runes on the Ruthwell Cross, and is regarded by some as an introduction to the *Elene*, whose subject is the finding of the true Cross, and which gives an account of Constantine’s dream in which he saw the Cross and was told ‘vinces in hoc.’

It will have been seen that the Vercelli Book contains an interesting body of Christian Poetry, and it may be convenient to deal here with a feature of the *Andreas* which is common in the Christian poetry of the Anglo-Saxons, the appearance, namely, of words and phrases reminiscent of the primary heathen poems. Conversely in the existing (revised) texts of the primary poems occur interpolations by Christian scribes designed to modernise the old-world paganism of these ancient compositions. In the *Dream of the Rood* Christ is spoken of as ‘a young hero,’ and on the other hand the old mythology crops out in the words spoken by the Cross. ‘I have endured many a cruel fate,’ where the word for fate is *wyrd* (weird), an ancient heathen term. *Widsith*, the tale of a wandering bard, is wholly pagan, but a Christian scribe had lodged this in his text :

‘This have I found on every hand
Who empire holds from God above
And lives a prince, is dear in love
To those that dwell throughout the land.’

The magnificent story of *Beowulf*, one of the finest examples of heathen epic, has many interpolations. When mention is made of the birth of a son to the heathen King Scyld, it is said that God had sent him for a comfort to the people, that the glory which came to him was the gift of the Lord of Life, the Prince of Glory. And the heathen gleeman says :

‘God made the earth with beauty rife
Which water clasps; for beaming light
The sun and moon, and earth made bright
With trees and swiftly moving life.’

The fierce monster of the story, a terrible being named Grendel, is described as a descendant of Cain, and when an appeal is made to the heathen gods for protection against his ravages, the poet is made to say :

‘They knew not God to magnify :
 The praise of God, of Glory King
 And Judge of Deeds, they could not sing ;
 They knew not Him who rules on high.’

It is rather interesting to collect from *Beowulf* instances of the expression of the same thought both in Christian and in pagan terms. Thus we find, ‘He that death takes must accept the Lord’s decree,’ and also ‘Fate goes ever as it must’; further on a king is urged to enjoy life’s pleasures till leaving to his sons folk and realm, he goes forth to see the Godhead, and just after this we read of a man that ‘Fate removed him.’ Scattered over the poem are such phrases as Holy God, Wise Lord, Eternal Lord, Ruler of the Skies, Almighty Creator, Ruler of Men, Ruler of Glory. *Deor’s Lament* is the complaint of a minstrel supplanted in his lord’s favour by a rival, the case of Cadwallon and Caradoc in Scott’s *Betrothed*. Otherwise heathen in sentiment and expression it contains this :

‘Then may he think that here below
 God in His wisdom separates
 The man on whom high honour waits
 From him that bears a load of woe.’

In the *Wanderer*, a fine specimen of the Anglo-Saxon lyric, there is a curious blending of Christian feeling with laments for the destruction of human happiness by *wyrð*, and the poem closes thus :

‘’Tis well with him whose trust is sure
 In Him who lives and reigns above ;
 Who rests upon our Father’s love,
 The rock on which we build secure.’

As might be expected, the *Charms*, going back as they do to the beginning of the English race, show in their present form abundant evidence of the priestly transcriber’s hand. Instead of attempting what would probably have been beyond their power, to banish charms altogether, the priests (who themselves perhaps were not wholly incredulous) sanctioned them in a more or less altered form. A *Charm for Bewitched Land* is a good illustration. Here is a passage, for instance, where new and old are curiously intermixed. ‘Take by night before dawn from four parts of the land four pieces of turf, and note how they were placed. Now take oil, honey, yeast, milk of every beast that is in the land, a bit of every tree that grows on the land, except hard beams, and a bit of every common plant, except only burdock ; pour holy water on them and three times on the place where the turfs were, and say, “Grow, multiply, and fill the earth. In the name of the Father, Son, and Holy Ghost be ye blessed.” Then say a *pater noster*. Now carry the turf

to the church, and let the priest sing four masses over it. Then turn the green part next the altar, and afterwards before sunset carry the turf where it was cut. Now make of aspen four crucifixes and write on them Matthew, Mark, Luke, and John. Lay a crucifix in each hole and say, "Cross of Matthew, Cross of Mark, Cross of Luke, Cross of John." Then above each crucifix place a turf and say nine times "Grow," and *pater noster* as often, etc." Now compare with this another part of the charm, where the old heathenism is left almost untouched; I give Stopford Brooke's translation :

'Erce, Erce, Erce! O Earth, our Mother!
May the All-Wielder, Ever Lord, grant thee
Acres awaxing, upwards a-growing,
Pregnant with corn, and plenteous in strength:
Hosts of grain-shafts and of glittering plants!
Of broad barley the blossoms,
And of white wheat ears waxing,
Of the whole land the harvest.'

To come now directly to *Andreas*. This is a poem of 1718 double lines, yet the poet is not satisfied that he has done justice to his subject. 'I now a while,' he says, 'have been setting forth in words the teaching of the holy one, the praise of the songs of him that wrought them, a task manifestly beyond my power,' and he deprecates the idea that he has knowledge to enable him to deal with more than a portion of St. Andrew's life. However, he must finish what he has begun, 'Yet will I still in little fragments words of song further relate.' And a wondrous tale he has to tell, opening it in the language of the old war-poetry. 'Lo! in days of old have we heard of twelve glorious heroes beneath the stars, thanes of God; their courage failed not in battle when helms crashed. Famed they were throughout the earth, leaders keen and bold, mighty men when shield and hand guarded the helm on the field of battle.' The Lord's decree sends St. Matthew to Mermedonia (Ethiopia), a land of cannibals, where he is thrown into prison, after being blinded and forced to swallow a drink

'whereof who drinks,
Forthwith his former state and being forgets,
Forgets both joy and grief, pleasure and pain,'

and is made 'to eat grass as oxen.' But in answer to his earnest cry and supplication, the apostle is protected against the evil influence of the potion, and a voice from heaven promises that St. Andrew will come to his aid. The scene now changes to Achaia, where a heavenly voice summons St. Andrew to set forth to rescue his fellow apostle, and rebukes him when he shrinks from the undertaking. After his first hesitation St. Andrew faces his duty manfully, and with his chosen companions makes his way to the shore of the loud-sounding ocean. There he finds a boat manned by three sailors of Mermedonia, and bargains for a passage.

Though the apostle does not know it, these sailors are God and two angels, and it is with curious feelings that one follows the conversation between St. Andrew and God, who is described as sitting on the bulwark above the tossing waters. Some difficulty seems to be caused at first by the poverty of the apostolic company, but on avowing themselves servants of Jesus Christ they receive a free passage. The voyage begins, and with that intense feeling for the sea which marks our oldest poetry, the poet introduces a splendid description of a storm.

'The ocean tossed and boiled ; and through the waves
The sword-fish glanced, and grey gulls wheeled in air
Greedy of prey. The sun was lost in gloom,
The gale swept roaring o'er the groaning ship,
And there upon the hurtling billows rode
In pomp of arms the Terror of the Deep.'

St. Andrew's companions are terrified, but with the spirit of trusty warriors they refuse to be landed and separated from their leader. 'Whither shall we wander lord-less, sad at heart, bereft of good, sin-stained, if we desert thee?' The voyage is continued, and offers occasion for a long conversation, in the course of which St. Andrew is led to give an account of certain incidents in the life of Christ. Much of what the apostle says is mere paraphrase of the Gospel narrative, but there is matter whose origin must be sought elsewhere than in the canonical books. The following is, somewhat striking. To confound the unbelieving Jews, Christ causes two images of angels to descend from the wall of the temple and to testify to His divinity, and thereafter sends them to Canaan to summon from their graves Abraham, Isaac, and Jacob, who likewise bear witness to Christ. By and by a deep sleep falls on St. Andrew and his company, and in this state they are left on the shores of Mermedonia, where they slumbered 'till God permitted the bright candle of Day to shine, and the dark shadows vanished among the clouds. Then came the Torch of the Sky, and its gleaming light flashed upon the house-tops.' St. Andrew awakens first, and, rousing his companions, tells them his conviction that God himself had been their guide. These have had a wonderful dream. 'Sleep fell upon us, sea-weary ones, then over the heaving waves proudly-plumaged eagles came flying, and on joyful wings the glorious, gracious birds bore our souls into the air, to where they lived 'mid tender love and hymns of praise, and ever-flowing streams of music.' There they had a glimpse of the Paradise above, of God amid the countless thousands of His angels and the hosts of the redeemed in Heaven. Christ now appears to St. Andrew and bids him set himself to the rescue of St. Matthew, warning him of the perils he will encounter, but cheering him with the assurance that he will turn many souls to repentance.

We now reach the second part of the poem and return to St. Matthew. As invisible to mortal eye, St. Andrew approaches the prison where his fellow apostle is confined, the seven guards of the dungeon fall dead ; swift destruction seized these bloody men. At the touch of the Holy

Spirit the prison doors fly open, and St. Andrew entering in is joyfully received by St. Matthew, to whom sight has been restored, and who with his company departs praising Him who rules the destinies of men. St. Andrew is now to undergo sore tribulation. The day has come on which the cannibals were to feast on their captives, and wrath and consternation fall upon them at the death of the guards, and the escape of St. Matthew. They cast lots for a victim, and the doom falls on an old man, who gives up his son to be eaten; but St. Andrew uses his power to make the knife wax, and the lad is saved. The devil appears and denounces St. Andrew as the cause of all their trouble, and the apostle is seized and cruelly used. 'The body of the holy man was bruised, torn by many wounds, lapped in hot blood, which poured out in waves.' He is thrown into prison, and to enhance the horrors of the situation, the poet pictures a dreary winter scene. 'Snow wrapped the earth in winter weeds; fierce cold hail, rime and frost, subdued the land; chilling ice stilled the voice of the waters and mantled the sea.' For days St. Andrew was grievously tormented till 'his body weary with wounds recked not of the work' (a fine expression), and the saint cried to heaven, 'Look, O Lord, on mine affliction.' Fiends assail him, mocking and reviling him, but his faith and courage put them to flight. Yet the long agony has at last broken his patience, and in a bold outburst he makes his complaint to God and petitions for death. 'Thou thyself, O Saviour, after a day of pain didst cry on the Cross to thy Father, "Why hast Thou forsaken me?" and for three days I have endured deadly torments. I beseech Thee, O Lord of Hosts! that I may yield my spirit into Thy hand.' A heavenly voice proclaims that his warfare is accomplished, and as he looks on the track where he had shed his blood, he sees it thick with blooming groves. God visits the apostle in prison and comforts him, and he waxes well of his deep wounds. On the plain beside the city wall are two columns standing storm driven, and at the apostle's command they send a flood over the land. 'The foaming waters covered the earth, bitter was the mead after the day of feasting,' and as the poet remarks with savage irony, 'Soon there was drink for all.' The terror-stricken people implore help, and St. Andrew stills the storm. A mountain opened and swallowed the flood, along with the most malicious of the apostle's foes, while the rest of the people recognised St. Andrew as the servant of the King of all living creatures. At the apostle's prayer the drowned are restored to life and are baptised, a church is built, and Plato is appointed first bishop.

His work accomplished, St. Andrew returned to Achaia. His new converts accompanied him to the shore, and stood weeping as they watched him take his way across the path of the seal. There they praised God and sang:

'One Eternal God is Lord of all,
In every land His might and power are known;
His glory lives for aye in heaven above
'Mong angel hosts. He is Lord and King.'

For more than sixty years the authorship of this interesting poem

has been matter of discussion, and at one stage it was assigned with some certainty to Cynewulf, for whom at the same time the critics constructed a biography extracted with much ingenuity from poems ascribed to him. Thus Grein identifies the poet with a Bishop Cynewulf, who from 737 to 780 was Bishop of Lindisfarne, resigned his office in 780, and died in 782 in retirement. He was expelled from his see in 750 by King Eadberht, and must have spent some years in exile. Born of an eminent and opulent family at the beginning of the eighth century, Cynewulf while a boy seems, agreeably to the practice of his time, to have attended one of the external secular Cloister Schools. The glad time of his ripe youth and early manhood he himself depicts in the first part of his Rhyming Poem, and to this time of keen pleasure belong, without doubt, the Riddles. But the day of joy and the brightness of youth passed away. Cynewulf entered upon the clerical life, and henceforth devoted himself to spiritual poetry. But after he became Bishop this high office seems to have brought him, in a highly-disturbed and fighting time, nothing but trouble and sorrow, and in this time of care and grief his poetic work may well have been for him a source of comfort and refreshment until he was afflicted by age, and weary of a troublesome life, resigned office, and retired to his native Ruthwell. Hammerich thought Cynewulf, in his younger days, was a wandering minstrel, and afterwards abandoned the secular life, and probably even became a monk. At all events, he was intimate with Holy Writ and several Church Fathers.

In the light of the assertions of Grein and Hammerich, it is interesting to note the undoubted source of *Andreas*. The *Andreas* is practically a rather close rendering of the πράξεις Ἀνδρέου καὶ Μαθαία εἰς τὴν πόλιν τῶν ἀνθρωποφάγων, one of the apocryphal acts of the Apostles, although the poet takes a free hand occasionally, as when he introduces the fine description of the storm at sea. The language of the original is far less impressive, but it is exceedingly naïve. Thus when St. Andrew pressed his followers on board the ship to take food that they might be able to bear the voyage, they could not answer him a word because they were troubled by the sea. This curious work, which would be known in a Latin translation to the author of the *Andreas*, is an illustration of the wild legends that grew up in response to a craving to know more of the holy men of old than the Scriptures tell. Another motive is indicated in Professor Earle's remark that 'the Greek romances of love and marvellous adventure were probably discountenanced in Christian families, and we may regard the secondary Apocrypha as a kind of pious substitute for such entertaining works of fiction.' In Alban Butler's *Lives of the Fathers, Martyrs, and other Principal Saints*, and in Baring-Gould's *Lives of the Saints*, are found many references to, and summaries of, these apocryphal narratives, and translations are given in Clark's 'Ante-Nicene Library'; the source of the *Andreas* is given in a handy volume, *Acta apostolorum apocrypha*, by Tischendorf. From the brief notices of St. Andrew found in the Bible, it is easy to infer that he was a fine type of man, alert, keen-witted, eager to bring men to Christ, and impressing himself on others as a leader. A native of Bethsaida,

he was a disciple of the Baptist, and heard his witness to Christ. 'One of the two that heard John speak and followed him was Andrew, Simon Peter's brother. He findeth first his own brother Simon, and saith unto him, "We have found the Messiah." He brought him unto Jesus.' At the feeding of the five thousand, it is St. Andrew who tells Christ of the presence of the lad 'with five barley loaves and two small fishes'; he is one of the four that make up the inner circle of Christ's disciples, 'Peter and James and John and Andrew,' and question the Master as to the significance of His prophecy of the ruin of the Temple; and again, it is to him Philip goes when certain Greeks came to Philip saying, 'Sir, we would see Jesus.' 'Philip cometh and telleth Andrew: and again Andrew and Philip tell Jesus.' By the Greeks St. Andrew is called the Protoclet, or first called: Bede calls him the Introducer to Christ. There was a persistent tradition that St. Andrew laboured in Scythia, and was martyred at Patræ in Achaia.

His connection with Scotland has, of course, a special interest for Scotsmen. The late Marquis of Bute's learned paper on 'The last resting-place of St. Andrew,' namely, the Cathedral of Amalfi, on the beautiful Bay of Salerno, contains an interesting treatment of the apostle's relation to Scotland. In 584 Gregory the Great brought to Rome from Constantinople and placed in the monastery of St. Andrew, an arm of St. Andrew presented to him by the Emperor Tiberius II.: the bones of St. Andrew had been transferred from Patræ to Constantinople by Constantine the Great. Part of this arm, it is conjectured, was brought to England by Augustine, and of this again three finger bones and a part of the arm were placed in the Church of Hexham, whence they were removed by Bishop Acca, when he was expelled from his see in 731. The Bishop presented the precious bones to Angus, King of the Picts, who, to honour them, changed the name Kilrighmonaigh to St. Andrew, and proclaimed the apostle the Patron Saint of his kingdom. There is, however, another saint connected with St. Andrews. The Palmer says to Lord Marmion:

'But I have solemn vows to pay,
And may not linger by the way,
To fair St. Andrews bound;
Within the ocean-cave to pray,
Where good St. Rule his holy lay,
From midnight to the dawn of day,
Sung to the billows' sound.'

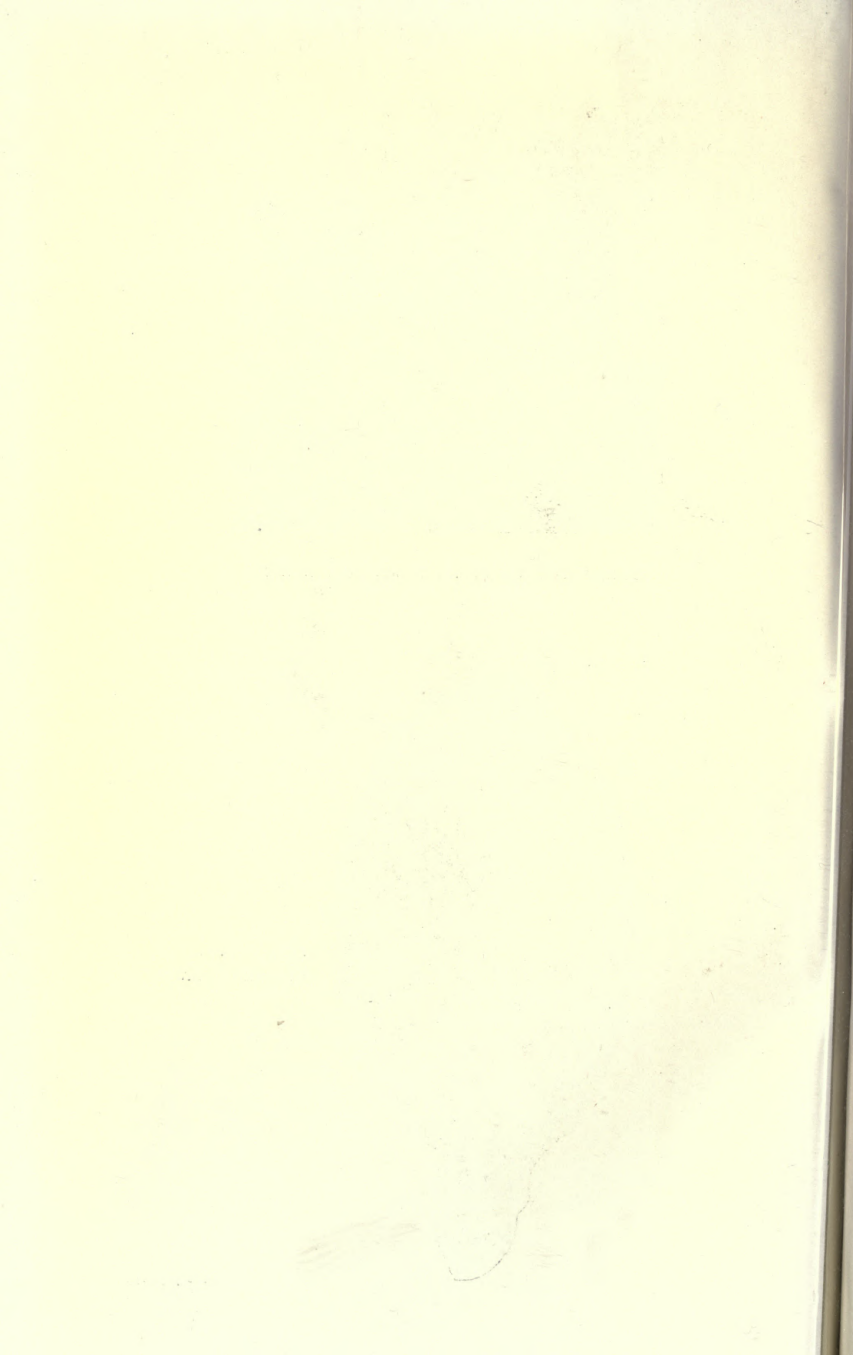
The Aberdeen Breviary contains the well-known story of the bringing to Scotland by St. Rule of the relics of St. Andrew. According to the narrative there given, St. Rule was a native of Patræ in Achaia, and when after 'the drums and tramlings of the centuries' had passed over the martyr's grave, Constantius marched against the town to punish it for the murder of the apostle, the saint was warned in a vision of the night to carry off the relics of St. Andrew, and these are carefully inventoried as three fingers of the right hand, one arm bone, one tooth, and one knee-cap. St. Rule found his way to St. Andrews, and deposited



PRIORY CHURCH OF ST. MARY, COLDINGHAM



SEAL OF PRIORY
OF COLDINGHAM



the bones there. In his *History of Scotland*, Bishop Leslie refers to this legend, and in Book V. he states that on the eve of a victory over the Saxons, Hung, King of the Picts, saw the cross of St. Andrew in the air, a visible sign of his patron saint's protecting presence. This is a variant of a familiar legend: we read of Constantine's Cross, of the cross that appeared to Waldemar II. of Denmark before he defeated the Esthonians, and of the cross that Alonzo saw before he triumphed over the Moors. Whatever the origin of the sentiment, every patriotic Scotsman has a special feeling of veneration for St. Andrew, and for the badge of his order, with its proud motto, 'Nemo me impune lacessit.' Our friends across the Border speak of the canny Scot, but Europe knows another Scot who answers better to his national motto. 'Fier comme un Ecossois,' laughs Louis XI. in *Quentin Durward*, and to the Continent the errant Scot of the Middle Ages was exactly

'A fiery ettercap,
A fractious chiel,
As het as ginger,
And as stieve as steel.'

A. M. WILLIAMS.

CAMPBELL OF ARDKINGGLASS. There is a slight error in the notes to the very interesting account of 'The First Highland Regiment' (*S.H.R.* iii. p. 29). James Campbell, younger of Ardkinglass, was son, not brother, of Sir Colin Campbell, Bart., and eventually succeeded as second Baronet.

A. W. G. B.

THE SCOTS DARIEN COMPANY. We print in this issue the first portion of Mr. Hiram Bingham's paper on 'The Early History of the Scots Darien Company,' the remaining portion of which will appear in the April number of the *Scottish Historical Review*.

Mr. Bingham's position as Curator of South American History and Literature at the library of Harvard University has afforded him special opportunities of making a study of this subject. He has also made independent search among the archives of the Advocates' Library, the General Register House, the British Museum, and the Public Record Office in London, and in the Archives of the Indies in Seville, but he is very desirous of securing additional documentary evidence as to various points in the history of the Darien Company. He would be very glad to hear of any letters or journals in either public or private collections which throw light on this subject.

Notes and Comments

THE Scottish History Society has been fortunate in securing the services of Mr. Hay Fleming as Secretary. Bringing to the office a very different experience and a very different standpoint from those of the late Mr. T. G. Law, he has the same eager spirit of research, and the same recognition as a central principle of real history, that it is mainly the new data which count as the merit of current studies. Discovery ranks before criticism. Men who have toiled at the roots, although, perhaps, less thanked, are ultimately more valued. Mr. Hay Fleming, with his St. Andrews local and diocesan knowledge, and his keen Puritan sympathy, will, in his new position, editorially and otherwise, render the better service to Scotland, because his labours have been directed as much to the archæological as to the documentary side of the national record. It is an occasion of public satisfaction when for such a scholar such a task is found.

A CONGRESS on Facsimiles was held at Liège in August last, under the auspices of the Belgian Government, for the purpose of discussing the best practical methods of reproducing manuscripts, coins, and seals, as well as for preserving the originals and ensuring access to and international exchange of the reproductions. Fifteen nations were represented, and important propositions were formulated, which we hope to consider when the complete record of the Congress appears. M. Henri Omont, of Paris, Keeper of manuscripts in the Bibliothèque Nationale, was president of the Congress, which, among its resolutions, included the formation of a permanent international committee for the promotion of the interests involved. In evident line with the direction of this Congress is the announcement by MM. Misch and Thron, Brussels, of an enterprising series of phototypic facsimile volumes of manuscript works in Belgian libraries, under the general title of *Codices Selecti Belgici*. The MSS. to be reproduced embrace homilies, etc., an eleventh century text of Cicero, and the chronicles of Sigebert, of Gembloux (sæc. xi.), and of Gilles li Muisis (sæc. xiv.).

THE Society of Antiquaries of Newcastle-upon-Tyne has put upon record in its *Proceedings* a suitable memorial of the raid across the Border which the Society made in August last. The party first visited Coldingham, of which an interesting general history has been compiled from the published works on the subject. An ecclesiastical foundation from Saxon days before the Danish inroads, the



FAST CASTLE, BERWICKSHIRE, FROM THE WEST



COAST LINE LOOKING NORTH FROM FAST CASTLE

From photographs by Mr. Joseph Oswald

See page 255



reconstitution of Coldingham as a religious house dependent on the Benedictine monastery of Durham at the end of the eleventh century—its secular geography relating it to Scotland, while ecclesiastically its connection was English—gave it almost an international character of peculiar interest. The early charters still preserved in the chapter library of Durham, once under the care of James Raine, the historian of North Durham—now under the charge of Canon Greenwell, still more famous among the antiquaries of North England—have supplied an abundance of material, not merely for territorial chronicle, but also for the questions concerning the tenure of Lothian by Scottish kings. The existing remains of the priory contain much fine Transitional work. We are permitted to reproduce the Society's illustration of the church, which was dedicated to St. Mary, whose effigy appeared on the seal, also reproduced from the Society's *Proceedings*. After examining the priory church, the Tynedale antiquaries visited Fast Castle, which was the 'Wolf's Craig' of the *Bride of Lammermoor*. Mr. Robert Blair, the Secretary of the Society, favours us with two illustrations, which well convey the impressively solitary and wild aspect of this sea-beat strong-hold. It was once the home of the ill-fated Logan of Restalrig, whose after-death trial, condemnation and forfeiture in 1609 constitute a gruesome memory of old Scots law in treason cases. He was one of the mystery-men of James VI.'s time, whose careers have attracted the attention if not the favour of Mr. Lang. 'A friend of thieves, a vain loose man, but of a good clan and a good fellow'—so he is described in a despatch quoted in Mr. Lang's Roxburghe Club book, *The Gowrie Conspiracy*. Mr. Blair's pictures and Mr. Lang's description of the place are in emphatic coincidence. 'Unapproachable from the sea except by a fortified staircase in the perpendicular rock, Fastcastle was almost as hard of access from the desolate stretch of links on the land side.' It was a fit home for a friend of thieves who might any day find himself with the king at his throat.

MR. J. MAITLAND ANDERSON, to whom students of the history of St. Andrews are already much indebted, has made a very interesting discovery with regard to a scheme for the removal of the University of St. Andrews to Perth within a few years of its foundation. He has obtained documentary evidence of this scheme from the Vatican archives, and a paper giving the full text of the documents as well as some hitherto unpublished matter relating to the early history of St. Andrews will, we hope, appear in the next number of the *Scottish Historical Review*.

Saint
Andrews
University.

CONTRIBUTIONS to the historical and philological section of the Royal Philosophical Society of Glasgow last session, now printed in the *Transactions*, include a paper by Mr. David Murray, LL.D., on early Grammars and other School Books in use in Scotland. It traces the works serving as standards from the *Ars Grammatica* of Donatus in the fifteenth century down to Ruddiman's *Rudiments*, published in 1714, and its sequels till near the close

Early
Grammar
used in
Scotland.

of the eighteenth century—varying the bibliographic task with many biographical side-touches regarding such grammarians of note as George Buchanan, James Kirkwood, and Andrew Simson. The human side of the matter comes quaintly out in Kirkwood's substituting in a specimen verse illustrative of metre,

Ut Regina Soror Pallas Catharina Leæna,

the name 'Gelecina' for 'Catharina,' on the ground that Gelecina being his wife's name, 'her's as well as his Name may survive when they are dead.' The President of the Society has among these grammars hit upon a very attractive by-way of research, which we trust he will continue to explore. Mr. John L. Morison discusses Reginald Peacock, the heretic bishop of the fifteenth century, and cites from MS. telling bits of the condemned prelate's vigorous reasoning and expressive English. Perhaps the most striking and dangerous doctrine is that 'all goddis creatures musten nedis obeie to doom of resoun.' Mr. Macgregor Chalmers reconstructs from existing remains and indications a tomb which, he gives reasons for concluding, was probably erected about the middle of the thirteenth century in the crypt of Glasgow cathedral. Plans, sections, and elevation make the proposition clear and intelligible in detail. Somewhat different in scope is the subject taken by Mr. John Edwards—'Duns Scotus, his life and times.' Examining all the authorities and traditions, Mr. Edwards balances against the to-name of 'Scotus' and the claim of John Major that the philosopher belonged to Duns in Berwickshire, the anonymous allegations in one MS. of 1381 that he was an Irishman, and in another MS. of 1455 that he came from Embleton in Northumberland. Mr. Edwards stoutly guards himself from being thought to decide by national sympathy, although he concludes that it is 'historically safe' to reckon him a Scot. It is to be observed, however, that Mr. Edwards's survey of the authorities is incomplete. Bale under the heading 'Ioannes Scotus cognomento Dons' has the following:

Hic Ioannes natus erat in Duns oppido tribus ab Alnewico milliarijs distante minorita de custodia Novi castri. (*Index Britanniae Scriptorum*, ed. Poole cum Bateson, 1902, p. 249.)

Comparing this with the references to 'Ioannes Dumbylton doctor Oxoniensis sophista' in the last cited volume (pp. 197-8, 516) one wonders whether there are not still some confusions left to be explained about the life as well as the works of Duns Scotus. His biography, so far as the meagre data go, Mr. Edwards sketches: the philosophical life he modestly refrains from attempting: the reputation of the 'Subtle Doctor' down the ages, however, is interestingly shown, including the curious chapter told by Antony Wood of the New College quadrangle at Oxford littered with 'the leaves of Duncce, the wind blowing them into every corner'—a final symbol of rejection by the seventeenth century.

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Ballads on the Bishops' Wars, 1638-40

THE attempt of Laud and Charles I. to impose the Service Book on Scotland, and the two wars which sprung out of that attempt, naturally produced an excitement which found expression in the popular literature both of Scotland and England. Even in the works of the poets who wrote for the Court and the Universities there are poems referring to the unsuccessful campaigns which the King undertook to suppress his recalcitrant subjects, though naturally there is no sign of sympathy for the rebels in them. Cowley has a set of verses addressed to Lord Falkland praying 'For his safe Return from the Northern Expedition against the Scots.' 'He is too good for war,' concludes Cowley, 'and ought to be¹ As far from danger as from fear he's free.' Davenant has a poem of over a hundred lines called 'The Plots,' in which he describes the spread of Presbyterianism from Scotland to England and the conspiracy of 'Calvin's meek sons' against the English Church and Crown. It was not the arms of the soldiers under Leslie, but the intrigues of Court nobles such as Hamilton and others, that were really to be feared is his conclusion :

'We feared not the Scots from the High-land nor Low-land ;
Though some of their leaders did craftily brave us,
With boasting long Service in Russe and Poland,
And with their fierce breeding under Gustavus.

'Not the Tales of their Combats, more strange than Romances,
Nor Sandy's screw'd Cannon did strike us with wonder ;
Nor their Kettle-Drums sounding before their long Launces,
But Scottish-Court-whispers struck surer than Thunder.'²

¹ *Works*, ed. 1700, p. 7.

² Sir W. Davenant, *Works*, ed. 1673, p. 304.

In popular poetry of the eventful years from 1638 to 1640, the feeling of the time found much more frequent and more outspoken utterance, though but few of the perishable broad sheets on which it was printed have survived. A small collection of these productions was printed in 1834, 'Ballads and other Fugitive Poetical Pieces, chiefly Scottish, from the collections of Sir James Balfour.' Some of them, and many others, are included in Maidment's *Book of Scottish Pasquils*, ed. 1868. On the other hand, English collections of ballads, such as those published by the Percy Society and those edited by Mr. Chappell and Mr. Ebsworth for the Ballad Society, contain practically no pieces dealing with this particular episode in the relations of England and Scotland. Yet there is ample evidence that such pieces were printed in considerable numbers. Those in favour of the Scots were naturally suppressed by the English government. Rushworth prints a proclamation, dated March 30, 1640, against 'libellous and seditious pamphlets and discourses from Scotland,' said to be circulated both in manuscript and in print, especially in London.¹ Balladmakers suffered the same penalties as pamphleteers. 'There was a poor man,' says a pamphlet, 'who to get a little money, made a song of all the caps in the kingdom, and at every verse end, concludes thus:

"Of all the caps that ever I see,
Either great or small, blue cap for me."

But his mirth was quickly turned into mourning for he was clapt up in the Clink for his boldness to meddle with any such matters.'² The ballad itself was probably an adaptation of an older one, written perhaps about 1634, which is to be found in print in the *Roxburghe Ballads*, i. 75; but however innocent its words, anything in favour of the Scots was for the moment regarded as hostile to the government. The reaction came in 1640, when the King was obliged to summon the Long Parliament, and the gratitude which most of the English people felt towards the Scots could freely express itself. 'In their printed ballads,' writes Robert Baillie, 'they confess no less, for their binding word is ever "grammercie, good Scot."'³ One ballad with this refrain, entitled 'A New Carrel for Christmasse, made and sung at London,' is reprinted in the Balfour collection

¹ *Historical Collections*, iii. 1094.

² *A Second Discovery by the Northern Scout*, p. 7, 1642.

³ *Baillie Letters*, i. 283.

mentioned above (p. 36). A different version of it, with the variant 'God 'a mercy, good Scott,' is contained in the Diary of John Rous, published by the Camden Society in 1856 (p. 110). A third, with an entirely different text, may be found in Maidment's *Book of Scottish Pasquils* (p. 106). Fragments of ballads and verses in favour of the Scots may also be found in some of the prose pamphlets of the time. One called 'The Scots Scouts Discoveries by their London Intelligencer,' purports to give a description of the condition of England in 1639, as the spies of the Covenanters reported it to the Lords of the Covenant. Everywhere the spies note the general hatred which prevailed in the populace against the bishops, and the general sympathy with the men who were struggling against episcopacy. One of them describes the state of the King's camp at Berwick in May 1639, and the discontent of the miscellaneous army Charles had got together, amongst whom indifference to the cause was heightened to aversion by the discomforts of their service.

'I met with a great many gamesters there, and with some players and poets; but all out of employment: yet a poet told me; that, because he would keep his hand in use, he made every day a few lines in verse; a parcel whereof he gave me as followeth:

"No Enemy's face yet have we seen
Nor foot set upon your ground;
But here we lie in open field,
With rain, like to be drown'd.

"The earth's my bed, when I am laid
A turf it is my pillow,
Our canopy is the sky above,
My laurel turn'd to willow.

"Then mighty Mars with-hold thy hand,
And Jove thy fury cease;
That so we may, as all do pray,
Return again in Peace."

'Most of the common soldiers in the camp,' continues the Intelligencer, 'are such as care not who lose, so they get, being mere atheist and barbarian in these revolutions: and indeed they are the very scum of the kingdom, such as their friends have sent out to be rid of, who care not if both kingdoms were on fire, so they might share the spoil.' Nevertheless, to inform them better of the real cause of the quarrel, the

Intelligencer represents himself as sticking up the following queries in verse, under the orders posted in the camp for the government of the army.

‘What will you fight, for a Book of Common Prayer?
 What will you fight, for a Court of High Commission?
 What will you fight, for a miter gilded fair?
 Or to maintain the prelates proud ambition?
 What will you get? You must not wear the miter.
 What will ye get? You know we are not rich.
 What will you get? Your yoke will be no lighter.
 For when we’re slain, this rod comes on your Breech.’

No doubt the incident related was pure invention, but the verses nevertheless exactly represent the feeling of the moment at which they were supposed to be written.¹

The two pamphlets quoted both bear the imprint 1642, though they were certainly composed, and no doubt clandestinely circulated earlier. Probably in consequence of the activity of the government in repressing them, few of the pro-Scottish ballads have reached us except those preserved in Scottish Collections. However, amongst the State Papers in the English Record Office there is a Scottish ballad on the subject of the Marquis of Hamilton’s return to Court, in July 1638, after his negotiations with the Covenanting leaders. The *Calendar of Domestic State Papers*, 1638-9, prints a couple of verses, but the readers of the *Review* will probably like to have the whole eleven.²

‘Ane misseif letter
 Parrafraist in mitter.

‘My Lord yowr vnexpectit post
 To Court, maid me to miss
 The happines which I love most
 Your Lordshipe’s handes to kisse.

‘But tho with speid ye did depairt
 so fast ye shall not flie
 As to unty[?] my loving heart
 Which yowr convoy shall be.

‘I neid not to impairt to yow
 How our church staite do stand
 by this new service buik which now
 so trouble all the Land.

¹‘The Scots Scouts Discoveries’ is reprinted in the collection of pamphlets entitled *Phoenix Britannicus*, 1732, 4to, pp. 454-473.

²*Calendar*, p. 270. The original is Volume 408, number 115, and is undated.

- 'Nor dar I the small boat adventure
Of my most schallow braine
vpone thees fearfull seas to enter
In this tempestious maine.
- 'vnles that by authoritie
I chargit be to do so,
Which may command and scheltir me
frome schipwraik and from vo.
- 'Therefor to God Its to dispose
this cause I will commend,
for wofullie it is by those
abusit who should it tend.
- 'Ane lyk it is to bring great ill
Since it intrustit was
To those had nather strenth nor skill
To bring such things to pas.
- 'Bot or thees flames should quenchit be
that they haue set on fyre,
both wisdom and authoritie
that maitter doth requyre.
- 'Ane varlyk nation still we are,
Which soone may flatrit be
Not forst and brokin once we are
most Loth than to agrie.
- 'So I commend yow to the Lord
And shall be glad if I
my cuntrie service can affoord
my loue to yow to try.
- 'And howsoevir, I remain
Your Lordshipes whil I die
And for your glad returne again
Your Beidman I shall be.'

FINIS.

Ballads against the Covenanters are more easy to find, partly because they were not suppressed but encouraged by the King's government, partly, perhaps, because they were in reality more numerous. 'There hath been,' says one of the pamphlets before quoted, 'such a number of ballad makers and pamphlet writers employed this year, as it is a wonder, everything being printed that hath anything in it against the Scots.' 'Halter and ballad makers,' says the other, 'are two principal trades of late: ballads being sold by whole hundreds in the City, and halteris sent by whole barrels full to Berwick, to hang up the rebels with as soon as they can catch them.' Some celebrated the valour of the

Welsh soldiers, who were said to be extremely zealous for the King. 'There is a kind of beagles runs up and down the town, yelping out your destruction crying: "O the valour of the Welchmen! who are gone to kill the Scots." But give the Welchmen leeks and good words, and call them "bold Britons," and then you may do with them what you will.' Every rumour from the camp and every report of a victory, whether real or not, was at once put into rhyme. 'Such news as this comes out by owl-light, in little books or ballads, to be sold in the streets; and I fear it is held a prime piece of policy of state: for, otherwise how could so many false ballads and books be tolerated? Yet the next morning sun exhales all their vain evening vapours: as that news of taking Leslie prisoner; killing of Colonel Crayford; and imprisoning most of the nobility. But I never believed it, because if they had been true ballads they would have been sung by daylight, books printed, bonfires made, and a solemn procession, with a *Te Deum* at least, had not been wanting at Lambeth.'

¹

Yet even the most effusively loyal ballad writer was liable to be severely punished for any ill-advised comments on public affairs, which happened to give displeasure to the authorities. This was the case with 'one Parker, the prelates poet, who had made many base ballads against the Scots.' He 'narrowly escaped jail and a whipping to boot' when the Long Parliament met. 'Now,' says a pamphlet, dated 1641, 'he swears he will never put pen to paper for the prelates again, but betake himself pitcht kanne and his tobacco pipe, and learn to sell his frothie potts again, and give over poetry.'

²

This was the famous Martin Parker, who between 1630 and 1656 was the best known and most prolific ballad writer of the time. Amongst Anthony Wood's collection in the Bodleian there are copies of three of his ballads against the Scots, which are not mentioned by Mr. Seccombe in his article on Parker in the *Dictionary of National Biography*, and have never been reprinted. Their merits are rather historical than poetical. The first wishes the King good fortune in his expedition against Scotland, and incidentally sketches the history of the rebellion he was setting forth to quell.

¹ 'The Scots Scouts Discoveries,' *Phoenix Britannicus*, pp. 466, 467.

² *A Second Discovery by the Northern Scout*, 1642, p. 8. See also *Vox Borealis*, 1641.

A TRUE SUBJECTS WISH

For the happy successe of our Royall Army preparing to resist the factious Rebellion of those insolent Covenanters (against the Sacred Majesty of our gracious and loving King *Charles*) in *Scotland*.

To the tune of, *O how now Mars, etc.*

- ' If ever England had occasion
Her ancient honour to defend,
Then let her now make preparation,
Unto a honourable end:
the factious Scot
is very hot,
His ancient spleene is ne'er forgot
He long hath bin about this plot.
- ' Under the colour of religion,
(With hypocriticall pretence)
They make a fraction in that Region,
And rise against their native Prince,
whom heaven blesse
with happinesse,
and all his enemies represses,
accurst be he that wisheth lesse.
- ' Our gracious Sovereigne very mildly
Did grant them what they did desire,
Yet they ingratefully and vildly,
Have still continued the fire
of discontent
gainst government,
but England now is fully bent,
proud Jocky's bosting to prevent.
- ' It much importeth England's honour
Such faithlesse Rebels to oppose,
And elevate Saint Georges banner,
Against them as our countries foes,
and they shall see
how stoutly we,
(for Royall *Charles* with courage free)
will fight if there occasion be.
- ' Unto the world it is apparent
That they rebell ith' high'st degree,
No true Religion wil give warrant,
That any subiect arm'd should be,
against his Prince
in any sence,
what ere he hold for his pretence,
Rebellion is a foule offence.

'Nay more to aggravate the evill,
 And make them odious mongst good men,
 It will appeare, that all their levell,
 Is change of government, and then,
 what will insue,
 amongst the crew,
 but *Jacky* with his bonnet blew,
 both Crown and Scepter would subdue.
 'Who of these men will take compassion,
 That are disloyall to their king,
 Amongst them borne in their owne nation,
 And one who in each lawfull thing,
 doth seeke their weale,
 with perfect Zeale,
 to any good man I'le appeale,
 if with King Charles they rightly deale.'

The Second Part, to the same tune.

'The Lord to publish their intentions,
 Did bring to light a trecherous thing,
 For they to further their inventions,
 A Letter wrote to the French King,
 and in the same,
 his aide to claime,
 with subtlety their words they frame,
 which letter to our Sovereigne came.
 'Then let all loyall subjects judge it,
 If we have not a cause to fight,
 You who have mony doe not grudge it,
 But in your king and countries right,
 freely disburse,
 both person, purse
 and all you may to avoyd the curse,
 of lasting warre which will be worse.
 'If they are growne so farre audacious,
 That they durst call in forraine aide,
 Against a king so milde and gracious,
 Have we not cause to be afraid,
 of life and blood,
 we then had stood,
 in danger of such neighbourhood,
 in time to quell them twill be good.
 'Then noble Country-men be armed,
 To tame these proud outdaring Scots,
 That Englands honour be not harmed,
 Let all according to their lots,
 courageously
 their fortune try,
 against the vaunting enemy,
 and come home crownd with victory.

'The noble Irish good example,
Doth give of his fidelity,
His purse, and person is so ample,
To serve his royall maiesty,
and gladly he
the man will be,
to scourge the Scots disloyalty,
if England's honour would agree.

'Then we more neerely interested,
Ith future danger that might chance,
If that against our soveraigne blessed,
Those rebels had got aide from France,
should not be slacke,
nor ere shrinke backe,
or let King *Charles* assistance lacke,
to tame in time this saucy Jacke.

'We have a Generall so noble,
(The great Earle of Northumberland)
That twill (I trust) be little trouble,
Those factious rebels to withstand:
his very name
seemes to proclaime,
and to the world divulge the same,
his ancestors there won such fame.

'The God of hosts goe with our army,
My noble hearts for you ile pray,
That never any foe may harme ye,
Nor any stratagem betray
your brave designe,
may beames divine,
upon your ensignes brightly shine,
Amen say I, and every friend of mine.

'M. P.'

FINIS.

Printed at London by E. G. (C), and are to be sold at the Horse-shoe in Smithfield.¹

The mention of the tune to which the foregoing ballad is to be sung, enables us to identify another of Parker's productions. It is probable that he was the author of the verses against the Scots beginning, 'Oh how now Mars what is thy humour,' answered stanza by stanza by some poet of the Covenanting party and printed under the title of 'An English Challenge and Reply from Scotland' (*Ballads from the collection of Sir James*

¹ Wood, folio Ballads, 401, f. 141. (Black letter, 3 cuts.)

Balfour, p. 29; *Maidment's Pasquils*, p. 134). Both were evidently written in 1639, and belong to the first Bishops' War.

The ballad which comes next was certainly written about the beginning of September, 1640, just after the rout at Newburn, which took place on August 28, 1640.

BRITAINES HONOUR

In the two Valiant *Welchmen*, who fought against fiteene thousand *Scots*, at their now comming to *England* passing over *Tyne*; whereof one was kill'd manfully fighting against his foes, and the other being taken prisoner, is now (upon relaxation) come to *Yorke* to his Majestie.

The tune is, *How now Mars, etc.*

'You noble *Brittaines* bold and hardy,
That justly are deriv'd from Brute,
Who were in battell ne'er found tardy,
But still will fight for your repute;
'gainst any hee,
What e'r a' be,
Now for your credit list to me,
Two *Welchmens* valour you shall see.

'These two undaunted Troian worthies,
(Who prized honour more than life,)
With Royal *Charles*, who in the North is,
To salve (with care) the ulcerous strife;
Which frantick sots,
With conscious spots,
Bring on their sowles; these two hot shots,
Withstood full fiteene thousand *Scots*.

'The manner how shall be related,
That all who are King *Charles* his friends
May be with courage animated,
Unto such honourable ends;
These cavaliers,
Both Musquetiers,
Could never be possest with feares,
Though the *Scots* Army nigh appeares.

'Within their workes neere *Tyne* intrench'd
Some of our Sovereignes forces lay;
When the *Scots* Army came, they flinched,
And on good cause retyr'd away;
Yet blame them not,
For why the *Scot*,
Was five to one, and came so hot,
Nothing by staying could be got.

- 'Yet these two Martialists so famous,
 One to another thus did say;
 Report hereafter shall not shame us,
 Let *Welchmen* scorne to runne away;
 Now for our King,
 Lets doe a thing
 Whereof the world shall loudly ring
 Unto the grace of our off-spring.
- 'The vaunting *Scot* shall know what valour,
 Doth in a *Britains* brest reside;
 They shall not bring us any dolour;
 But first we'll tame some of their pride.
 What though we dy,
 Both thee and I:
 Yet this we know assuredly,
 In life and death ther's victory.'

The second part, to the same tune.

- 'With this unbounded resolution,
 These branches of *Cadwalader*;
 To put their wills in execution
 Out of their trenches would not stir,
 But all night lay,
 And would not stray,
 Out of the worke, and oth' next day,
 The *Scots* past o'r in Battell aray.
- 'The hardy *Welchmen* that had vowed,
 Like *Jonathan* unto his *David*;
 Unto the *Scots* themselves they showed,
 And so courageously behaved
 Themselves that they
 Would ne'r give way,
 But in despite oth' foe would stay,
 For nothing could their minds dismay.
- 'Even in the Jaws of death and danger
 Where fifeene thousand was to two,
 They still stood to't and (which is stranger)
 More then themselves they did subdue,
 Courage they cry'd;
 Lets still abide,
 Let *Brittaines* fame be dignifi'd,
 When two the Scottish hoasts defi'de.
- 'At length (when he two *Scots* had killed)
 One of them bravely lost his life,
 His strength and courage few excelled;
 Yet all must yeeld to th' fatall knife.
 The other hee,
 Having slaine three,
 Did Prisoner yeeld himself to be,
 But now againe he is set free.

- ‘This is the story of these victors,
 Who as they sprung oth’ Troians race,
 So did they show like two young Hectors;
 Unto their enemies disgrace;
 Hereafter may,
 Times children say,
 Two valiant Welchmen did hold play,
 With fiftene thousand *Scots* that day.
- ‘His Maiesty in Princely manner,
 To give true vertue it’s reward;
 The man surviving more to honour,
 Hath in particular regard.
 Thus valiant deeds,
 Rewards succeeds,
 And from that branch, which valour breeds,
 All honourable fruit proceeds.
- ‘Now some may say (I doe confesse it)
 That all such desperate attempts
 Spring only from foole hardinesse; yet
 Who ever this rare deed exempts,
 From valour true,
 (if him I knew)
 I would tell him (and ’twere but due)
 Such men our Sovereigne hath too few.
- ‘For surely tis a rare example,
 Who now will feare to fight with ten,
 When these two lads (with courage ample)
 Opposed fiftene thousand men,
 Then heigh for *Wales*,
 Scots strike your Sayles,
 For all your proiects nought prevails,
 True *Brittains* scorne to turne their tayles.
- ‘M. P.’

FINIS.

London, Printed by E. G. and are to be sold at the Horse Shooe in Smith-field.¹

The third of Parker’s ballads celebrates a trifling success, which for a moment gave fresh hopes to King Charles. Baillie thus relates it: ‘Sir Archibald Douglas, going out of Durham with a troupe of horse to view the fields, contrare to his commission, foolishlie passed the Tyse, and swaggering in the night in a villadge without a centinell, was surprised by the King’s horse with all his troupers’ (*Letters*, i. 261). His story is confirmed by the letters of Sir Henry Vane and Captain

¹ Wood, folio Ballads, 401, f. 132. (Black letter, 3 cuts.)

John Digby (*Calendar of Domestic State Papers*, 1640-1, pp. 79-81) and told with some additional details in the Life of Sir John Smith, published in 1644 (*Britannicae Virtutis Imago or the Effigies of true Fortitude*, Oxford, 1644, pp. 7-8). The account given in the ballad is much more accurate than ballads usually are, though it makes the prisoners 39 in number instead of 37.

GOOD NEWES FROM THE NORTH,

Truly relating how about a hundred of the *Scottish* Rebels, intending to plunder the house of M. *Thomas Pudsie* (at *Stapleton* in the Bishoprick of *Durham*), were set upon by a troupe of our horsemen, under the conduct of that truly valorous gentleman *Leutenant Smith*, *Leutenant* to noble Sr. *John Digby*; thirty nine of them (wherof some were men of quality) are taken prisoners, the rest all slaine except foure or five which fled, wherof two are drowned. The names of them taken is inserted in a list by it selfe. This was upon Friday about fore of the clock in the morning, the eighteenth day of this instant September, 1640.

The tune is, *King Henry going to Bulloine*.

- 'All you who wish prosperity,
To our King and Country,
and their confusion which falce hearted be,
Here is some newes (to cheare your hearts,)
Lately from the Northerne parts,
of brave exploitys perform'd with corage free.
- 'The Scots (there in possession),
Almost beyond expression,
afflict the people in outrageous wise;
Besides their lowance (which is much)
The cruelty of them is such,
that all they find they take as lawfull prize.
- '*Sheepe, Oxen, Kine, and Horses,*
Their quotidianl course is
to drive away wherever they them finde;
Money plate and such good geere,
From the Houses far and neere,
they beare away even what doth please their mind.
- 'But theirs an ancient adage,
Oft used in this mad age,
the pitcher goes so often to the well;
That it comes broken home at last,
So they for all their knavery past
shall rue ere long though yet with pride they swell.'

- ‘As this our present story,
 (To the deserved glory,
 of them who were the actors in this play,)
 Unto you shall a relish give,
 Of what (if heaven let us live;)
 will come to pass which is our foes decay.
- ‘Those rebels use to pillage,
 In every country Village,
 and unresisted romed up and downe;
 But now at last the greedy *Scot*,
 Hath a friday’s breakefast got,
 few of such feasts wil pull their courage down.
- ‘At foure o’th clock i’th morning,
 (Let all the rest take warning)
 about a hundred of these rebels came;
 To M *Pudsey’s* house where they,
 Make sure account to have a prey,
 for their intention was to rob the same.
- ‘Of no danger thinking,
 To eating and to drinking,
 the *Scots* did fall, but sure they said no grace,
 For there they eat and drank their last,
 With ill successe they brake their fast,
 most of them to digest it had no space.
- ‘An English troope not farre thence,
 Had (it seemes) intelligence
 of these bad guests at Master *Pudseyes* house,
 And with all speed to *Stapleton*
 With great courage they rode on,
 while *Jocky* was drinking his last carouse.
- ‘The house they did beleaguer
 And like to Lions eager,
 they fell upon the *Scots* pell-mell so fast,
 That in a little space of time,
 By th’ Rebels fall our men did clime,
 they paid them for their insolencies past.’

The second part. To the same tune.

- ‘In brieve the brave Lieutenant,
 With his men valiant,
 so plaid their parts against the daring foes,
 That quickly they had cause to say,
 Sweet meat must have sowre sauce alway,
 for so indeed they found to all their woes.

'Thirty nine are prisoners taine,
 And all the rest outright are slaine,
 except some four or five that ran away,
 And two of those (as some alledge)
 Were drown'd in passing o'er Crofts bridge,
 so neer they were pursu'd they durst not stay.

'Of them who are in durance
 (Under good assurance)
 some officers and men of quality,
 Among them are, 'tis manifest,
 To them who will peruse the List,
 Wherein their names are set down orderly.

Thus worthy *Smith* his valour,
 Hath showne unto the dolor,
 of these proud Rebels, which with suttile wiles,
 Came as in zeale and nothing else,
 But now deare bought experience tels
 those were but faire pretences to beguil's.

'But th' end of their intention
 Is if (with circumvention)
 they can make us beleieve what they pretend,
 They hold us on with fained words,
 And make us loath to draw our swords,
 to worke our ruin, that's their chieftest end.

'But God I trust will quickly,
 Heale our Kingdome sickly,
 too long indeed sick of credulity ;
 And their blind eyes illuminate,
 Who bring this danger to the State,
 by trusting to a friend-likeemie.

Ile dayly pray and hourelly,
 As it doth in my power lye,
 to him by whom Kings reigne ; that with successe,
 King Charles goe on and prosper may,
 And (having made the Scots obay)
 rule or'e his Lands in peace and happinesse.'

List of Prisoners, etc., given at the end of 'Good Newes from the North' [Wood, fol. Ballads, 401, f. 134].

18 Septemb. 1640 being Fryday morning. At Stapleton 3 miles beyond Pearce bridge wee met with the Scots at 4 of the Clocke in the morning, at Master Pudseys house in the Bishopricke of Durham, at breakfast, when wee made our Skirmish, Lieutenant Smith had the day, five or six of them

escaped by Croft bridge, where they say they make their *Rendezvous*, the prisoners that were taken, are these that follow, viz.

- | | |
|-------------------------------------|--------------------------------|
| 1. Sir Archibald Douglass, Sergeant | 19. Rob. Leisley. |
| Maïor to Collonell. | 20. Ja. Ramsey. |
| 2. James Ramsey. | 21. Allen Duckdell a dutch boy |
| 3. John Leïrmouth, Lieutenant to | wounded. |
| Captaine Ayton. | 22. Alexander Fordringham. |
| 4. Hopper Cornet to the Maïor | 23. Jo. Cattricke. |
| Duglasse. | 24. Allen Levingston. |
| 5. Ja. Ogley, Sarjeant to the said | 25. George Harret. |
| Maïor. | 26. Andrew Tournes. |
| 6. Patrick Vamphogie troupe. | 27. Robert Watts. |
| 7. James Coldvildell. | 28. Alexander Watts. |
| 8. James Levingston. | 29. William Anderson. |
| 9. Hector Mackmouth. | 30. Jo. Layton. |
| 10. John Cowde. | 31. Alex. Dick. |
| 11. John Hench. | 32. Patricke Cranney. |
| 12. Alexander Paxton, wounded. | 33. William Simpson. |
| 13. William Ridge. | 34. Tho. Husband neere dead. |
| 14. David Buens wounded. | 35. Jo. Hill. |
| 15. Adam Bonnyer. | 36. Thomas Ferley. |
| 16. Rob. Ferrony. | 37. Andrew Whitehall. |
| 17. Jo. Milverne. | 38. James Vianley. |
| 18. David Borret. | |

FINIS.

M. P.

London : Printed by E. G. and are to be sold at the signe of the Horse-shoe in Smithfield, 1640.¹

The last ballad in this series is not by Parker, but by some unknown writer, and it is derived not from a printed broad sheet but from a manuscript, which probably formed part of the miscellaneous verses collected by Archbishop Sancroft in his youth. The original is in the Bodleian Library, in volume 306 of the Tanner MSS. (p. 292). It is endorsed simply, 'Verses against the Scots coming into England,' and was probably written about January 1641, during the early days of the Long Parliament, but before the execution of Strafford had taken place. Clarendon describes the leaders of the popular party in the Parliament as willing to provide money for the support of the two armies then 'in the bowels of the kingdom,' namely, the King's own army and the Scots, but unwilling to pay them off. There was not, he says, 'the least mention that the one should return into Scotland, and the other be disbanded that so that vast expense might be determined : but, on the contrary, frequent insinuations were given that

¹ Wood, folio Ballads, 401. f. 134. (Black letter, 3 cuts.)

many great things were first to be done before the armies could disband' (*Rebellion*, Bk. iii., § 23). This is exactly the situation described by the poet, who represents the Scots as protesting their intention of staying permanently in England, and never consenting to be disbanded.

'Let Englishmen sitt and Consult at their ease
And put downe their Bishops as fast as they please ;
Let them hang up the Judges and all the Kings friends,
And talke of Religion to serve their own Ends :
Let them doe what they will to put on the plot,
If ere we returne, then hang up the Scot.

'Let Puritans rise, let Protestants fall,
Let Brownists find favor, and Papists loose all ;
Let them dam all the Pattents that ever were given,
And make Pymm a Saint, though he never see heaven,
Let them prove Madam Purbeck¹ to be without Spott
If ere we returne, then hang up the Scot.

'Let them firke the Lieutenant² as much as they will,
And lett the Scotts Army come on forwards still ;
Let them charge him with Treasons tho never so great,
And make all such Traytors as shall but eate Meat :
All this will not doe, nor help them a jott,
If ere we returne, then hang up the Scot.

'Let all the Contrivers build Castles i' th' aire,
And laugh in their sleeves that things go so faire ;
Let them send privy Councillors over to France,
And teach them to follow the Lord Keeper's dance :³
Let all this go on, be they never so hot,
If ere we returne, then hang up the Scot.

'Let all things be carryed in such a strange way
As no man shall know what to thinke, or to say :
Let Chronicle Writers now stand stil and wonder,
To see this great business they must now go under :
Let the Glory of their Nation be cleerly forgott
If ere we returne, then hang up the Scot.

'Let giving of Subsidyes be so delay'd,
And at the Kings charges let them ever be payd
Though many beleewe we come for their good,
And therefore are loth we should spend any blood :
When ere we come here, you must all to the pott,
Then too late you will say, Lett us hang up the Scot.'

C. H. FIRTH.

¹ Frances Coke, wife of John Villiers, Viscount Purbeck. See Gardiner's *History of England*, viii. 144.

² Strafford.

³ An allusion to the flight of Lord Keeper Finch, Dec. 22, 1640.

Portraits and Jewels of Mary Stuart

VII.¹

WRITERS on the subject of Mary's portraits usually leave a gap between the Sheffield type of 1578, and the Memorial Portraits, executed posthumously, after the death of the Queen. But it is, we think, quite certain that portraits of Mary were done in the latest years of her life, when, as shown in the Blairs College Memorial Portrait, her face had grown older and stouter than it was in 1578. As proof of this, in her book, *The Tragedy of Fotheringay* (p. 244), Mrs. Maxwell Scott photographs a reliquary, inscribed M.A.R. (*Maria Angliæ Regina*) in the possession of Lady Milford, with a miniature of Mary. She wears not a white but a black cap, black ear-rings, and, round the neck and on the breast, a profusion of black ornaments which had come into fashion, as several contemporary likenesses of ladies prove. The hair and eyes are brown, the eyebrows are very faintly indicated (they are much more distinct in the Sheffield type); the nose is long and low, as in the Morton portrait, not as in Oudry's, a beak. This miniature is probably a very good likeness of the Queen at about forty years of age, the face is decidedly plump. The little portrait's exactness is fully corroborated by the description of Winkfield, an eye-witness of her execution. 'Her face full and flat, double-chinned, and hazel-eyed.'² The miniature varies much from the Oudry and Morton types, in which the face is thin and long, and younger than in Lady Milford's reliquary. One is led to think the Queen sat to an artist about 1583-86.

Mrs. Maxwell Scott remarks that 'the date can be fixed as being not later than 1622'; it belonged to the Darrell

¹ See *Scottish Historical Review*, vol. iii. p. 129.

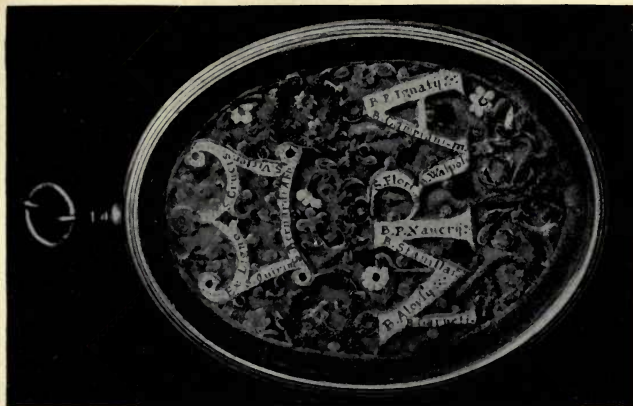
² MS. in the Bodleian, numbered E. Muses, 178, cited by Mr. Cust (pp. 99, 100), from *Oxford Historical Society's Publications*, vol. xxxiv. 1897.



LADY MILFORD'S MINIATURE OF MARY IN A RELIQUARY.

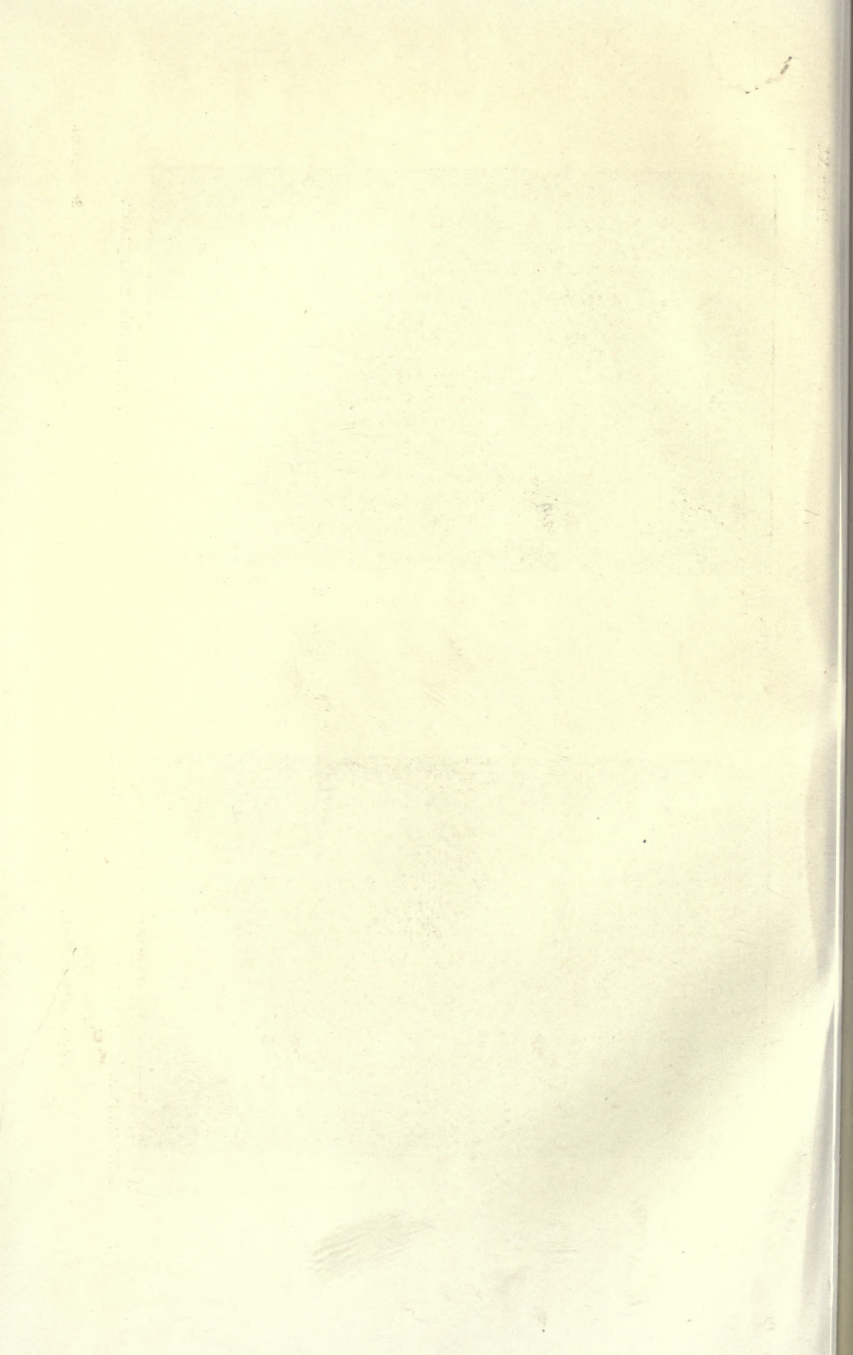
Date circa 1584-86.

By permission of Messrs. Dickinsons.



BACK OF LADY MILFORD'S RELIQUARY.

See page 274.



family, and 'a Darrell was appointed to be Queen Mary's steward during her captivity.' Mr. Marmaduke Darrell attended Mary's funeral at Peterborough. Among the relics in the reliquary are those of 'Blessed Campion,' Walpole, and Garnet.

I am disposed to consider this the best portrait of Mary in her last years. By a happy chance, I had no sooner recorded this venture at an opinion than I found it corroborated by Dr. Williamson. He observed a similar miniature, not quite so well executed, I think, in the Rijks Museum. This piece he calls 'really one of the most important miniatures of Mary Stuart that have been preserved.'¹ A miniature of this period, in the hands of Jane Kennedy or Elizabeth Curle, at Antwerp, may be the source of the Memorial Portrait at Blairs College. The miniature once in the possession of Lady Orde, and now the property of Captain Edwards Heathcote, is of the same order. It has been attributed to Hilliard, and the curious story of its *provenance* may seem to justify the attribution.² The anecdote is given by Mr. Foster, from a narrative dictated by a lady of the Edwards family. It is said that, about 1801, a Mr. Edwards did a piece of diplomatic service for the British Government. He refused a sum of £500 as reward, he had only acted, he said, out of private friendship for Lord Spencer. That nobleman then presented Mr. Edwards with nine miniatures, found in France, and once in the possession of the Royal House of Stuart. Among the nine were Henry, Prince of Wales, his brother Charles, and Mary Queen of Scots, all by Hilliard. Now this miniature is that once owned by the Dowager Lady Orde, and published by Mr. Cust (Plate xvi). It is larger, and shows more of the dress and figure than Lady Milford's miniature. The cap is white, not black, the eyebrows are much more marked, the nose is slightly aquiline, but the chin is double. Probably Lady Milford's is the better likeness; it corresponds better to the Rijks Museum miniature. These three portraits are all later, I think, by several years, than the Sheffield type of 1578. They represent an older and stouter woman. They lead up naturally to the Mary of the Blairs College posthumous portrait, bequeathed by Elizabeth Curle, one of the Queen's faithful attendants, to the Scots College at Douai. Elizabeth also bequeathed a miniature of her mistress in a jewel of gold, given to her by Mary 'on the morning of her martyr-

¹ Williamson, i, 49, Plate xlvii, No. 8.

² Williamson, vol. i. 31, 32.

dom.'¹ Is it too rash to conjecture that this miniature was of the Milford type, and was used as a model by the artist who wrought the Memorial portrait? Mention, however, is also made of miniatures of the Queen's mother, husband, and of herself, in the possession of Elizabeth Curle: *this* miniature of Mary would doubtless represent her in her youth.

In this connection we must compare a miniature in the Museo Nazionale of Florence, reproduced, but not commented on by Mr. Cust.² The Queen wears a black cap, her hair looks grey, she has pearl ear-rings, and a black dress with pearls in patterns, no religious emblems, and a rather small laced ruff. The face is flat and fat, the eyes deep sunken in the flesh, the long low nose is bulbous at the tip, 'an enemy has done this thing,' but it seems attached to the Milford type.

We have now tried to unravel the history of the early French portraits and miniatures (1552-1561), of the Sheffield type of portrait (1578), of the Morton portrait, and of the miniatures of the Queen's latest years.

We have next to ask whether there is any likeness done during Mary's reign in Scotland (1561-1567) or any copy of such a likeness? That Scotland had no native portrait painters about this time, is more than probable. In 1682 there was no painter in Scotland! In 1581 we hear of 'Adrian Vaensoun, Fleming, painter,' who executed for Beza the Reformer, two likenesses; the names of the sitters are not given in the Treasurer's Accounts. But, on November 13, 1579, the tutor of James VI., Peter Young, answered Beza's request for a portrait of Knox, to be reproduced in Beza's *Icones* (published in 1580). The Scots, says Young, entirely neglect the art of portrait painting. There is no portrait of Knox. But there are painters of a sort, whom Young has approached; meanwhile he sends a description of Knox, done by himself from memory. He adds in a postscript, that a painter has just brought to him heads of Knox and Buchanan on one panel.

If it was Vaensoun who executed these likenesses in 1579, he was not paid till June 1581.³ That a Fleming was employed suggests the absence of native talent in Scotland. Mr. Cust points out to me that the Duke of Devonshire possesses at Hardwick, an excellent full length of James VI., dated 1574,

¹ Cust, p. 103.

² Cust, Plate vi, No. 2, p. 40.

³ Hume Brown, *John Knox*, ii. pp. 320-324. Beza also received, at all events he published a portrait of James VI. Was that by Vaensoun?

when the King was aged eight. This must have been done in Scotland (unless a sketch was sent to France and a picture done from that), and we may conjecture that the artist, necessarily a foreigner, painted the masterly portrait of the Regent Morton, in the possession of the Earl of Morton. An even more spirited coloured sketch for this portrait exists, reproduced in Sir Herbert Maxwell's *House of Douglas*. We have found no portrait of Mary done in Scotland.

VIII.

Mary, in Scotland, could only be painted by a foreigner. But, in 1566-67, as we have seen, Mary may have had, among her *valets de chambre*, 'Jehan de Court, peintre.' He does not appear among the *valets de chambre* in a rough list of July, 1562, now in the Bodleian Library.¹ That list is a household statement, like another of 1560, not an *Etat* or complete *catalogus familiae*. Mr. Way has pointed out an anecdote which raises a presumption that Mary had a painter, necessarily foreign, at her Court of Holyrood, in 1565, when she married Darnley. A picture representing the Queen, Darnley, and, behind them, David Riccio, the unhappy secretary, was sent to Cardinal Guise. He said, 'What is that little man doing in that place?' and, later (March, 1566), when the news of Riccio's murder came, the Cardinal said, 'The Scots have taken the little man out of the picture.' The authority for the story is a Hawthornden manuscript.²

If any portrait of Mary by Jehan de Court exists, the portrait exhibited in 1866 by the then Earl of Leven and Melville, and photographed in Mr. Foster's book, may be that likeness, or a copy from it. The history of this picture is obscure, and there is every reason to suppose that it is *not* an heirloom of these loyal servants of Mary, Sir Robert, Sir James, and Sir Andrew Melville; for the Melville family heirlooms have remained in the possession of the representative of the female line, Miss Cartwright Melville, while the titles adhere to the male line.

The painting (20 inches by 23) is round in form and is on canvas. It was seen, and annotated upon (in MS.), Mr. Cust says, by Sir George Scharf, who *published* nothing about it. In a communication to *The Athenaeum* (March 25, 1905)

¹ Privately printed, anonymously, by Thomas Thomson, without date.

² Way, xv. Chalmers, *Life of Mary*, i. xv.

Mr. Cust writes 'the portrait was then (in 1866, at the Exhibition of National Portraits at South Kensington) carefully inspected by Mr. George Scharf (afterwards Sir George Scharf, K.C.B.), and his notes and sketches are in the Library of the National Portrait Gallery. It is clear from these notes that in Scharf's opinion the Leven and Melville portrait could not in any way be accepted either as a true portrait of Mary Stuart or as a painting contemporary with her life. So decided was Scharf's opinion that I omitted the Leven and Melville portrait from those worthy of serious consideration in the book which I myself published as a contribution to the study of the authentic portraits of Mary Stuart.'

This was unfortunate, for the portrait decidedly deserved, and has since received, the study of Mr. Cust. The portrait does not vary, in complexion, features, expression, colour of hair, eyebrows, and contour of face, from the authentic early portraits, and the medal of 1558. Again, the face appears to me to be indubitably the face of the Morton portrait,—younger by many years, and happier by half an eternity. Here as in the early miniature of the Rijks Museum, we see (or at least *I* see) a Mary, not prettified in the manner of the eighteenth or nineteenth centuries (as in Hilton's copy of the Morton portrait), yet with charm, witchery, the faintest of smiles, and a pleasant slyness in the sidelong glance.

It may be unseemly to differ from an expert so distinguished as Sir George Scharf, who clearly rejected the claims of this portrait. But Sir George accepted 'the long pale face, pale red lips, pale yellow hair, and large *blue* eyes' of that interesting picture, but impossible portrait of Mary, the 'Fraser-Tytler' piece, in the National Portrait Gallery.¹ He also accepted the portrait with round staring eyes, black bonnet, white plume, and 'foolish expression,' picked up by the Prince Consort, and now in Buckingham Palace. Mr. Cust cannot here follow Sir George Scharf, and thinks that this painting may have been done from a bad eighteenth century engraving of a drawing from 'an original painting' of some person unnamed.² The figure, as in the Morton portrait, holds a laced handkerchief in one hand. The expression is frankly impossible in a genuine portrait of Mary, but the jewelled *carcan* round the neck ought to be examined to discover whether it corresponds with any *carcan* catalogued in the Inventories of the Queen's jewels. She does

¹ Cust, pp. 140-143.

² Cust, pp. 127-130.

not wear it in a miniature in the Uffizi at Florence, where she does wear a bonnet and plume. Since we must differ from Sir George Scharf as to the Fraser-Tytler and Buckingham Palace portraits, I am encouraged to differ from him also about the Leven and Melville. I regard it as an original portrait of Mary in youth; or a copy of such an original. Of course I do not pretend to be an authority as to date of execution.

My opinion is based on the close resemblance to genuine early portraits; on what seems to me the close resemblance, allowing for difference of age, to the Morton portrait: on the witchery of the expression,—which Mary *did* possess; and on some other things which, from ‘record evidence,’ we know that she possessed—namely the chief jewels which the subject wears—in the Leven and Melville portrait.

As I am to rely much on the jewels for the identification of the Leven and Melville portrait, a few words must be said on the nature of the evidence. It may be urged against me that painters are apt to indulge their fancy by decorating their sitters with jewels which they do not possess. A late artist, composing a picture of a Queen, would naturally, it may be said, stick fancy jewels all over her person. To this I must reply that the artist, in this case, adorns Mary with jewels, which, as we shall show from documentary evidence, she really possessed; though most of them appear in no other known portrait of the Queen. Moreover, the painters of her day are notorious for the extreme and elaborate minuteness of their painting of jewels. (See No. II.) In the contemporary likenesses of Elizabeth of Austria, wife of Charles IX., of Louise of Lorraine, of Elizabeth of France, wife of Philip II. of Spain, of Henri III., and others, the jewels are, indeed, all in the same taste and style, as is natural, as those of the Leven and Melville portrait; but are by no means identical with them. It was usual to wear large stones, such as diamonds, rubies, or sapphires, alternating with pearls continuously. The pearls might be single, or in groups of two, three, four, or five, and the fashion of the settings varied. We see many such belts of jewels in the portraits of the age. But I have only noted, outside the Leven and Melville picture, one *carcan* of alternate diamonds (?) and couplets of pearls, set one above the other. That *carcan* is worn round the neck of Elizabeth of France, daughter of Henri IX. (otherwise she is styled Isabella de Valois), in the Greystoke portrait, and in a later miniature. The setting is not the same as

in Mary's *carcan*, worn across the breast in the Leven and Melville portrait. In other contemporary belts of jewels, in portraits, the pearls are single, or in groups of two, four or five.

Painting a prince or princess, a Court painter depicted the actual well-known jewels of the subject. They were not common things; the great diamond cross of Elizabeth of France, and of Elizabeth of Austria, was a treasure of the Crown, though smaller and less costly crosses existed. It is not possible that a painter should accidentally invent jewels known to the Courts of France and Scotland to have been Mary's. In the portraits of the great, minute accuracy in depicting their princely ornaments was the duty, and apparently the pleasure, of the painter. But critics, as a rule, do not seem to have thought of consulting the numerous extant Royal and noble inventories for descriptions of the actual jewels displayed in portraits of the sixteenth century.¹ An exception is M. Bapst, who, in his learned book on *The Crown Jewels of France*, frequently compares the descriptions in Inventories with the ornaments in portraits of their owners.

Now as to the jewels which Mary, against the advice, it is said, of her uncle, the Cardinal Guise, insisted on bringing to Scotland, in 1561, we have abundant information. In 1815 Thomas Thomson published, anonymously, *Inventories and Other Records of the Royal Wardrobe*. The original MSS. were then in the General Register House of Edinburgh, one, of 1556, was in the Duke of Hamilton's muniment room. In 1863, Joseph Robertson published *Les Inventaires de la Roynie d'Écosse*, a work of remarkable learning. He reprinted some of Thomson's papers, and others unknown to Thomson, one (of 1566) having then been but recently discovered in a mass of old legal documents. In the eighteenth century the MSS. lay, with masses of others unconsulted, and baffling even the tireless patience of the historian Wodrow, in a dark and damp cellar 'the laigh house' of the Parliament House of Edinburgh. They are never alluded to by Goodall, or Dr. Robertson,—our best historians of Mary's period during the eighteenth century, or by any historians before 1815, 1863.

It does not appear that Sir George Scharf consulted the Inventories, which were accessible to him in print. Queen Mary, in 1560-1567, had some fourteen *tours* or *bordures de touret*,

¹ See *Hohenzollern Jahrbuch*, Seidel, Berlin, 1902, pp. 84, 85, 90, for an attempt to identify the known jewels of Brandenburg in pictures by Lucas Cranach.

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PLATE XII.



BY FRANCIS CLOUET.

The property of the Earl of Leven and Melville.

See page 277.



jewelled frameworks on which was expanded the prodigious winged object which then surrounded the fashionable neck. It is vain to argue that such articles did not 'come in' till a later date, on the evidence of other portraits. The inventory of 1561 shows that Mary then possessed two *tours*, or *tourets*, hung with some fifty large pearls. These could not be got into smaller space than they are in the *touret* of the Leven and the Melville portrait.¹

That ornament, setting aside a jewel of gold, enamelled in black and red at the top of the head, is entirely decorated with pearls great and small. I reckon, at most, thirty-eight large pearls, *plus* four pendant above the brow; and the hair on the right side probably conceals others. In the records is frequent mention of *les entredeux*, which are the jewels that alternate in regular order with those which the scribe mentions first, and apparently thinks the more important. In this *tour* of the portrait, *les entredeux* are clusters of three round pearls apiece. It is a curious fact that on the *tour* there are ten or eleven great pearls with no *entredoux*: the places for *les entredeux* are empty, but we see the clamps for their attachment. Why should an artist paint the ornament in this oddly imperfect state, if he did not actually see it? The Inventories contain no record of a *tour* absolutely identical with the incomplete object in the portrait.

We cite, from the Inventory of 1561, the description of 'A thourer of pearls in which there are thirty-three pearls and nine pendants.'² In the Inventory of 1561-62, this *tour* seems to have been modified by the addition of *entredoux*, or alternating pearls: or at least they are now first mentioned. We read 'a *tour* of great pearls, of which there are thirty-three, and nine pendants of pear-shaped pearls, and thirty-three little pearls which make the *entredoux*.'³ This is not the *tour* as seen in the portrait.

Finally, in May or June, 1566, the Queen had an Inventory of her jewels drawn up, and wrote opposite each piece, in her own hand, the name of the person to whom she wished to bequeath it, if neither she nor her expected child survived its birth. The entry now is 'A *tour* garnished with thirty-three great pearls, nine pendant pear-shaped pearls, and *thirty-four* pearls, making the *entredoux*.' This she bequeathes 'To the House of Guise.' None of these three varying descriptions

¹ For *touret* see Laborde, *Glossaire Française du Moyen Age*, p. 520, 1872.

² Robertson, *Inventaires*, p. 10.

³ *Ibid.* p. 81.

corresponds with the *tour* in the picture. In place of either thirty-three or thirty-four 'pearls,' or 'small pearls' as *entredeux*, I reckon only about twenty-four *entredeux* of three pearls apiece, with from nine to eleven vacant spaces, empty of *entredeux*, but showing the clamps for attaching them.

Meanwhile Mary, in 1561, had another '*thouret de grosses perles auquel il y'en a xlix perles*.'¹ She possessed the same *tour* with forty-nine great pearls in 1561-62.² She still had this in 1566, when the Inventory records, *ung autre thouret garny de cinquante grosses perles*, while a note, through which a pen has been drawn, adds, *s'enfault une perle*—'one pearl missing.' Thus there were, in fact, forty-nine great pearls. If we add to the *tour* as shown in the portrait, seven or eight great pearls, concealed by the hair on the right side, we make a total of forty-nine or fifty. This would answer to the second *tour* of the Inventories, but no *entredeux* are mentioned in the description of that jewel. But *entredeux* are not mentioned in the first description (1561) of the other *tour*. Their presence was the rule in the jewellery of the period.³ The absence of mention does not prove the absence of the *entredeux*. The argument is this: the *tour* mentioned first certainly does not correspond to that in the portrait. The second *tour* does correspond in number of great pearls, allowing for those hidden by the hair, but it has no mention of *entredeux* in the Inventories. But none are mentioned in the first *tour*, in the Inventory of 1561. That *tour*, however, has *entredeux* in the Inventory of 1561-62. Therefore they were either added, and the same addition might be made in the second *tour*; or, more probably, they were merely not mentioned in the note of the Inventory of 1561, and the same omission has occurred in the note on the second *tour*. The *tour of the portrait is certainly incomplete*, lacking from nine to eleven *entredeux*. We know from notes in French on the Inventories, that jewels were often altered; portions of one being taken away and added to another: only pieces of some jewels remain in some entries.⁴

¹ Robertson, *Inventaires*, p. 10.

² *Ibid.* p. 81.

³ See the 'Ermine' portrait of Queen Elizabeth at Hatfield. Her tiara has, alternately, a large pear-shaped, and two smaller round pearls, it does not surround the shoulders in the fashion of a *tour*.

⁴ Robertson, *Inventaires*, pp. 11, 62, 81, 82, 97 (two cases of losses of pearls and coral beads from a belt), 98, 100, 114, 195, 201.

In these circumstances perhaps it will be admitted that the *tour* of the portrait is fairly coincident with the second description of the *tour* in the Inventories, especially when we remember that it is in a curiously incomplete condition.

My opinion is that an artist would not paint a jewel in an incomplete condition, as is the *tour* in the portrait, unless he saw it in that state before his eyes. If he followed, about 1615-1620, the records in the Inventories, he would paint exactly what was there described. If the *tour* itself was found by James VI. among Elizabeth's jewels (she had bought some of Mary's pearls in April-May 1568), Elizabeth might have had incomplete alterations made, and the subtle archaeological painter might add the *tour*, as he saw it in this modified condition, to his artful picture of Mary in youth, and in her own jewels. In doing this he would decline from his conscientious purpose of representing the jewels as, on the evidence of the Inventories, they actually were in Mary's time. Unluckily, though Elizabeth certainly treated herself to Mary's pearls, to the tune of some £3000, she apparently did not buy the *bordure de tour* with which we are concerned. Nothing of the kind occurs in Elizabeth's MS. Inventories in the British Museum. She bought 'six ropes of pearls, strung like beads on a rosary, and also about twenty-five loose pearls, still larger and more beautiful than those which are strung.'¹ Her Inventories record a 'lace' of twenty-three great pearls. Mary had such a set, unmounted, of twenty-three, but gave two to her page.²

In the miniature of Mary, in the Royal Library at Windsor Castle (circ. 1558-60), she wears a rope of pearls round her neck; it descends in a double ply to her waist, and is knotted round her waist. This rope Elizabeth probably bought in 1568. It was most improbable that Elizabeth would purchase and preserve the *tour*—the mere rigging of the fashionable sail of silk. The pearls, if sold, would be taken off the framework, but I shall keep in mind the off-chance that Elizabeth bought the framework, when I later offer a little historical explanation of the Leven and Melville portrait.

Mr. Cust gives his impressions of the Leven and Melville portrait, and offers suggestions as to its nature in his letter to *The Athenaeum*, already cited. He writes: 'Recently I have

¹ Report of de la Forest to Catherine de Medici, Robertson, *Inventaires*, cxxviii, Note 3.

² Robertson, *Inventaires*, p. 11.

been corresponding with the reviewer of Mr. Foster's book in *The Athenaeum*, and the interesting details which he brought forward as to the jewels worn by the Queen impelled me to wish to see with my own eyes that which I had before taken upon Scharf's word. By the kind permission of the Earl of Leven and Melville I have been able to inspect the portrait in question, in company with a well-known expert critic of pictures. I found myself in complete agreement with Scharf's opinion as to the date of the picture, which cannot be contemporary, as Mr. Foster would suppose, or the work of Jehan de Court, or another painter of the French School, as your reviewer would wish it to be. The jewels do not exactly tally with the description given in the inventories, but they are sufficiently alike to make one suppose that the Leven and Melville portrait may be either a copy from an older portrait, or a later portrait, made up in the seventeenth century under the direction of some person who knew by personal association or by tradition the special jewels in which Mary Stuart arrayed herself in the heyday of her beauty and prosperity. The portrait itself is carefully painted and the work of an expert artist, and differs from the many fabrications which are too often to be met with. It is, moreover, an undoubted likeness of Mary Stuart, though its resemblance to the "Morton" portrait is not so striking as your reviewer would seem to make out. A photograph of the Leven and Melville portrait was included in the series published by the Science and Art Department after the exhibition in 1866. The portrait was only acquired in recent days by the ninth Earl of Leven and Melville.'

Mr. Cust, in this verdict, does not tell us what 'Scharf's opinion as to the date of the portrait' may have been, except that he held the work 'not contemporary.' He does not state his reasons for being certain that it 'cannot be the work of Jehan de Court, or another painter of the French School,' though so very little is known of Jehan de Court that any additional information would be welcome. As to the jewels 'not tallying *exactly* with the description given in the inventories,' I think that in the circumstances the agreement with the second *tour* is sufficiently close.

To take another example of the jewels and to return to the Leven and Melville portrait. Mary, in that work, wears across her breast a broad belt of large linked jewels. Counting from the

spectator's left hand there are visible, first, a gold jewel set with two large pearls, one above the other : next, in the belt, a table *ruby* : then the pearls again : then a table *diamond* : then the pearls again : then a table *ruby*, and the pearls once more. This jewel is described, I think, very exactly (except that only part of it, in the portrait, is worn, attached to the dress) in an Inventory of 1556 : a list of the Royal jewels of Scotland, sent to Mary by the ex-Regent, the Duke of Chatelherault. The description is 'A *carcan* in which there are six rubies, one table of diamond, and eight couplets of pearls.'¹ Mary is wearing only part of the jewel, attached to her bodice, a practice still not unusual, but the description tallies *exactly*. I do not observe this *carcan* in the Inventories of 1560-66. It is not recorded there. It is vain to contend that a *carcan* is one thing, and a bodice ornament another thing. M. Bapst points out that the same jewel was used indifferently, either as a band in the hair, as a bodice ornament, or as a *carcan*, or necklace. (Bapst, *Joyaux*, p. 57.) But there appears in each of the three Inventories of 1560-66 a similar *carcan*, the only difference being that, in place of table rubies, table diamonds occur ; while there is a pendant, a jewel containing 'a great faceted point of diamond.'² Precisely such a faceted diamond, in the Leven and Melville portrait, is attached as a pendant to the centre of the belt of table rubies, double pearls, and one table diamond.

Is it more probable that Mary occasionally wore this *grosse pointee de diamant taillé à faces*, a large faceted diamond in an enamelled jewel, attached to the part of the *carcan* of table rubies and double pearls, with one table diamond ; or that a student about 1615-20 'combined his information,' and attached the pendant of 1560 to the *carcan* of 1556 ?

Still examining the Leven and Melville portrait, we observe that the waist of the dress is decorated with a *cotoire* consisting alternately of oval clusters of small pearls, and of small table rubies set in gold. This seems to be recorded, in the Inventory of 1561, and never again, as 'a *cottouere* garnished with little tables of ruby and with pearls.' It was worn with a belt (*cincture*) of the same, but the portrait does not show the *cincture* : it stops just above the belt.³ Mary had probably given away both

¹ Robertson, *Inventaires*, p. 5.

² *Ibid.* p. 94.

³ Robertson, *Inventaires*, p. 197. *Cottouere*, *Cotoire* is defined in Laborde's *Glossaire*, as *lacet, cordonnet, ornement de cou dispose en cordon*. But Laborde gives examples of '*piece cottouere de soye*,' and *deux aulnes et demie de cotoere tannée et*

cincture and *cottouere* before leaving France : they do not appear in her Scottish Inventories.

Again, pendent from the faceted diamond already described is a very large oval ruby, cut cabochon, with a huge pendent pearl. I by no means suggest that this is 'a large ruby balais, à jour . . . called the Naples Egg, to which hangs a pear-shaped pearl. Estimated at seventy thousand crowns.' Mary restored this gaud, a Crown jewel of France, to the commissioners of Charles IX. (February 26, 1560-61).¹ In any case (and I lay no stress on the large ruby with a pearl pendent), the *cottouere* and the ruby, pearl, and single diamond *carcan*, suggest that the Leven and Melville portrait (or, if it be a copy, its original) was painted when Mary possessed these jewels, that is, before she left for Scotland in August, 1561. My argument is cumulative. The *carcan*, used as a breast ornament, is certainly identified, I think. The *tour* is identified with high probability. The *cotoire* contains the arrangement of table rubies and pearls which Mary possessed. These coincidences with the Inventories cannot be accidental.

M. Dimier, on the other hand, informs me that the costume of the Leven and Melville portrait cannot by any means be earlier than 1572-1574. On this point I am no authority, while M. Dimier is master of the subject. The dress is one with which I am unfamiliar.² The costume is undeniably one donned for some great courtly occasion : it is not a dress for the day-time, nor an ordinary evening dress, but rather resembles that of Elizabeth of France in the Greystoke portrait. Judging from the age of Elizabeth, as shown in that portrait, namely about fourteen or fifteen, the work should be of about 1559. The dressing of the hair puffed out in fuzzy fashion from the sides of the head, is first found by M. Dimier, in other portraits, about 1572-1574. For all that I know, the dressing of the hair may have been one of the fancies of Mary Seton. Since

bleue pour attachez les patenostres. There is also a great scented *cotoire* of musk, covered with gold, to wear on the neck. (1592.) M. Bapst explains what a *cotoire* really was. Originally it was a piece of embroidery applied to a dress. Under Catherine de Medici a *garniture* of precious stones took the place of the embroidery in ladies' best frocks, while the embroidery was used in their less sumptuous costumes (Bapst, p. 14).

¹ Robertson, *Inventaires*, p. 197.

² The ruff worn by Mary in the Leven and Melville portrait, is the ruff of the Duke of Portland's miniature of 1558-1560. The hair in that miniature is puffed out.

1561 at least, Mary wore perrukes, in that year her steward, Servais de Condé, notes that he gave out linen to cover the Queen's perruke box.¹ In 1568 Sir Francis Knollys, guarding Mary at Carlisle, writes that Mary Seton is 'the finest busker of a woman's hair to be seen in any country. . . . Every other day she hath a new device of head-dressing that setteth forth a woman gaily well.'

A lady who wore her hair, or wig, differently, every other day, cannot be bound down to any particular *coiffure*.

Moreover, from what conceivable motive should an artist, in or after 1572-1574, paint, as a girlish Queen (that she is girlish I have no doubt), in costume of 1572, a lady who at that moment was a mourning black-clad captive of from thirty to thirty-two? Why, while representing jewels which the Queen had long lost, should he attire her hair as in 1572-1574? I ask for a working hypothesis as to what was the sense of the performance?

If Mr. Cust is right in asserting—with confidence, but without giving his reasons—that the Leven and Melville portrait cannot be contemporary or of the French School, then, while waiting to learn the grounds of his opinion, I take the liberty to think it a good copy of a contemporary work. There is a fascination in the face, an enchantment, that seems equally unusual in a portrait of the French School of about 1560, and in any copy of any picture that ever was done by any copyist. There is, as we have already stated, at Greystoke what Mr. Cust calls 'an interesting painting belonging to the Howard family in which the princess in a red dress resembles Isabella of Valois' (a sister of Mary's husband, the Dauphin, later Francis II.) 'rather than Mary Stuart.'² The dress is crimson, studded with pearls, as in the Leven and Melville portrait, and round her neck the princess wears a *carcan* of which the double pearls, if not the alternating jewels (these are table stones of unascertained species), answer, save in setting, to the double pearls of the Leven and Melville *carcan*.

There is a reduced photogravure of this portrait in Mr. Foster's book (p. xv.). In style of jewelry (the princess wears a table ruby with pearl pendant, and a cross of five table diamonds with pendant pearls, such as Queen Mary actually obtained in 1561) the Greystoke portrait is exactly contemporary with the Leven and Melville. As to manner and style, the photographs exhibit no difference, whatever the originals may show. 'The

¹ Robertson, *Inventaires*.

² Cust, p. 174.

work is of the school of Janet,' says Mr. Foster (p. 26), and it is attributed, without any documentary evidence adduced, to Jehan de Court, Mary's painter.

Will any one call the Greystoke portrait an early seventeenth copy of a sixteenth century picture, or a 'compilation' of the seventeenth century?

Of the Leven and Melville portrait, as regards style, Mr. Foster writes: 'the *technique* of the work is first-rate,' and he 'thinks that it cannot fail to be admired, whether it be contemporary or not.' He ventures the conjecture that 'it may have been painted in Scotland.' On questions of date as determined by style and technique, in the matter of portraits of the late or middle sixteenth and early seventeenth centuries, I might have an opinion, indeed, but I would never venture to produce it where experts differ. To me, for example, the Morton portrait of the Regent Morton (which nobody impeaches), seems a work more free, larger, and more recent in manner than the Morton portrait of Queen Mary. Yet the Morton portrait of the Regent is not supposed to be other than contemporary with that unamiable statesman, whom Mary outlived by six years.

This very disputable question of the determination of date by internal evidence of style I leave to experts, especially as my bias is to believe the Leven and Melville portrait to be contemporary, or a good copy of a contemporary likeness, or a painting from a contemporary drawing in crayons. Mr. Cust remarks, as we have seen, that 'the portrait itself is carefully painted, and the work of an expert artist, and differs from the many fabrications which are too often to be met with. It is, moreover, an undoubted likeness of Mary Stuart,' though Mr. Cust does not find the resemblance to the Morton portrait so striking as I do. But I am making allowance for some fourteen years of Inferno upon earth! Such was Mary's life from the autumn of 1565 to 1578. To myself the likeness appears to be executed

'As when a painter, poring on a face,
Divinely through all hindrance finds the man,'

or rather the woman.

However, if it be but a copy, 'the work of an expert artist,' and 'an undoubted likeness of Mary Stuart,' then, at last, we know what the Queen was like in her youth and her witchery. I ask for no more! I understand Mary Stuart.

But take Mr. Cust's alternative hypothesis: 'A later portrait, made up in the seventeenth century under the direction of some person who knew by personal association or by tradition the special jewels in which Mary Stuart arrayed herself in the heyday of her beauty and prosperity.'

Tradition, I fear, could not convey to an artist, though other portraits might, the precise nature of the costume owned by Mary about 1560, 1566. But suppose that some person knew the jewels by actual association with the Queen. Will that theory march? Who, in the seventeenth century, knew the things worn by Mary some fifty years earlier?

After Mary's fall in June 1567, her jewels were scattered to all the winds. In April-May 1568, Elizabeth, as we saw, bought from the Regent Moray (to whom, as her brother, Mary had entrusted her precious things for safe-keeping) the best pearls, ropes of pearls, and about twenty-five loose ones. Many things were pawned or sold by Kirkcaldy during the siege of Edinburgh Castle (1571-73), others remained in the Castle, and Morton scraped together what he could for James VI.¹ Wrecks remained in Mary's possession to the last, but some were stolen in her captivity in 1576.² In none of the lists drawn up after 1566 do I find any of the jewels which decorate Mary in the Leven and Melville portrait. By 1615 few people, perhaps only Mary Seton, in very old age abroad, or Bothwell's widow, the aged Countess of Sutherland, who had wedded 'her old true love,' Ogilvy of Boyne, would remember the jewels of the Queen's youth (1556-67). That any artist or archaeologist of about 1615-20 consulted a very old lady in the north, I think to the last degree improbable. I doubt if about 1615, or later, it was in the human nature of the period to 'make up a fairly accurate likeness' of the Queen *in her youth*, from such materials as are known to have then existed in England, say from the miniature in the Royal collection at Windsor Castle. As to any painter's restoring, about 1615, the jewelry from the MS. Inventories, or from the memories of persons aged at least seventy, the proceeding is incompatible with the mental processes of the period. Indeed nobody was likely to think of doing such a feat before 1850.

¹ Robertson, cl. cli. Thomson, pp. 203-273.

² Catalogue of Library of Mr. Scott of Halkhill, p. 157, No. 1463 (1905). Letters of Cecil, Shrewsbury, and Walsingham, May 1576. Labanoff, vii. pp. 231, 274.

I will, however, state the case in the most favourable light. James VI. and I revisited Scotland in 1617. It is barely conceivable that he desired to have a picture of 'our dearest mother, bonny and young, and in a' her brows'; that he caused her Inventories to be hunted out, at Hamilton, and in the State Papers; that he had found among Elizabeth's jewels a *tour* of his mother's (not inventoried), modified to the taste of Elizabeth,¹ (though I have stated the objections to that theory), but incomplete; that he placed all these materials, with the Windsor miniature, before an artist, and that the artist out of these materials compiled the Leven and Melville portrait; which, however, is not certainly mentioned among the possessions of Charles I. Let it be added that James consulted the Countess of Sutherland, who, in youth (1566), had married Bothwell. All this is not impossible, but James was not sentimental, and, for obvious reasons, was not fond of raking in the ashes of his mother's past. It will be conceded, I think, that if the Leven and Melville portrait is not an original probably painted in France about 1560, it is a very good copy of such an original, and not an archaeological reconstruction of the seventeenth century.

A word ought to be said about the jewels in the Greystoke portrait. The *carcan* of alternate double pearls, one above the other, in a gold setting, and of dark table cut stones, of an undetermined species, may be the *carcan* of table diamonds alternating with double pearls, which reappears in a miniature said to represent Isabella de Valois, daughter of Henri II., and wife of Philip II. of Spain.² The great cross of five large table diamonds, (?) with a pendant pearl at each limb, and at the foot, reminds us of that cross, valued at 50,000 crowns, which was part of the Crown jewels of France, and was restored by Mary to Charles IX. on February 26th, 1561. But that jewel also contained four other diamonds, three of which formed the foot, and, as far as described, had but one pendant pearl. The cross in the Greystoke portrait has three pearls, and, in place of three small faceted diamonds at the base, has a triangle of diamonds. On this cross, with its alterations, see M. Bapst's book on French Crown jewels; he reconstructs

¹ In British Museum, MSS. App. 68. Book of Jewels in the custody of Miss Mary Radcliffe, gentlewoman of the Privy Chamber in July 1587.

² Burlington Fine Arts Club (1559). Exhibition of 1885, plate xxxi. p. 21.

it from various sources, including a portrait of Elizabeth, wife of Charles IX. In the Greystoke portrait Elizabeth wears in her hair a belt of stones alternating with jewels of four large pearls. This belt she also wears in her miniature, in the *Book of Hours of Catherine de Medicis*.

IX

Monsieur Henri Bouchot recognises as authentic portraits of Mary no more than four. These are the drawing of Mary in her tenth year, in 1552, the drawing of about 1558, by 'the presumed Jehan de Court,' the drawing in white mourning (1561) by François Clouet (Janet II.), and the Windsor miniature. On the others, he says, we need not dwell.¹

We have ventured to exceed these narrow limits, while admitting that perhaps no other portrait of Mary, except the Florence, Amsterdam, and Welbeck miniatures, with possibly one or two late miniatures, has been actually done direct from the life, or by the artist from his own sketch in crayons. The precise relation of the Leven and Melville portrait to work done direct from the life we can only guess at, and the same remark applies to the Morton portrait, and the portraits of the Sheffield type. But all of these have some relationship to the life: if not the rose, they have been near the rose.

So much cannot be said for the popular portraits of Mary Stuart that decorate the walls of many a country house, appear in most of the books about the Queen, and are solemnly shown at Loan Exhibitions as portraits of the Clytaemnestra of the north. At the Glasgow Exhibition of 1901, out of numbers 972-980, the numbers 972, 977, 980 were variants of what Mr. Foster calls 'the Ailsa type,' from the work in the possession of the Marquis of Ailsa. There are uncounted examples of this type which was multiplied by John Medina (*ob.* 1796), the grandson of the more famous Sir John Medina. A very personable girl appears in 'a close fitting long waisted dress of crimson with gold embroidery, large ungraceful puffs or balloons over the shoulders, the hair enclosed in a little crimson and gold cap set with jewels, and to a string of large pearls round her neck is appended a jewelled cross.' None of the jewels is to be identified

¹ *Quelques Dames*, p. 23.

in the Inventories, and Mr. Way, whose description we have quoted, says that the portrait 'attributed to Zuccherò' 'presents no appearance of being contemporary with the time of Mary.' The Glasgow catalogue says that the Marquis of Ailsa's example 'has been preserved, it is believed, ever since 1558 as an heirloom at Culzean Castle.' I understand that the Marquis also possesses a pearl necklace, with a cross, as in the portrait, supposed to be a gift from Mary and an important item of evidence. The portrait is on canvas. I can come to no certain opinion of the work, which I have not had the opportunity of seeing. Miss Leslie Melville's copy, bought in 1819, at the sale of Kinross House, 'is stated to be the work of Peter Pourbus,' not of Zuccherò. Zuccherò, or Zuccaro, was not in England before 1574. No evidence is produced to prove that he was painting in Paris in 1558. Sir Robert Menzies' copy candidly bears, on the back of the canvas, 'Jo. Medina pinxit, 1767.'

This thoroughly popular portrait is manifestly affiliated to the 'Carleton portrait,' a full length of a tall lady of the sixteenth century, who stands with a window behind her, while her right hand rests on the arm of a chair. A jewelled cap crowns her brown hair, her eyes are brown, her dress is crimson. I have seen a good specimen described as 'Elizabeth of York, wife of Henry VII.,' in the window of a picture dealer's shop in London. I advised the tradesman to rechristen it 'Mary Stuart, Queen of Scots.' Vertue, the engraver (1713), 'put but a doubtful trust' in this portrait, which he engraved as the frontispiece of Jebb's 'De Vita et Rebus Gestis Mariae Scotorum Reginae' (1725). The engraving (only a half length) is the source of a common country house portrait of Mary. Often the figure holds two White Roses, as if her Majesty had anticipated the birth of the White Rose Prince of Wales (James VIII. and III.), on June 10, 1688. The Jacobitism of the years after the Forty-Five gave a vogue to these copies in oil of Vertue's engraving. On the back of the chair he inserted the Scottish thistle head, which was not in the original painting of a lady unidentified,¹ 'the Carleton portrait.'

The 'Orkney' type of false portrait turns up, variously disguised, in many miniatures, pictures, and engravings, at home and abroad. The amateur who fancies a Mary with 'a round fat

¹ For details see Cust, pp. 133-136.



HAMILTON TYPE. 1700-1710.

*Copy of a miniature given by the Chevalier de St. George (James III.) to his secretary, James Edgar.
Original in possession of Lady Edgar, Toronto.*

See page 293.



face, thick lips, double chin, a strongly *retroussé* nose, large staring eyes, well marked eyebrows, and flat smooth hair,' to quote Mr. Cust's description, should select a copy of the Orkney type. For 'all persons pining after it,' thousands of copies were taken says Vertue. The original was a miniature which, apparently before 1710, a Duke of Hamilton 'recovered.' He had it 'amended or repaired by L. Crosse, who was ordered to make it as beautiful as he could by the Duke.'¹ There is a copy of this unlucky work of art at Windsor, by Bernard Lens. He has written on the back 'By leave of his Grace the Duke of Hambleton (*sic*) in whose hands the original is, taken out of her strong box after she was beheaded.'² The Duke who acted so foolishly was Beatrix Esmond's Duke of Hamilton, he who met Colonel Hooke in a dark room, so as to be able to swear that he never *saw* him (1707). I get at this very fickle politician through Vertue's remark, 'his attestation of its being genuine—latter part of Queen Anne's time—it took and prest upon the public in such an extraordinary manner.' The Duke, as all readers of *Esmond* know, was killed by Lord Mohun in a duel, 'latter part of Queen Anne's time.' The present Duke possesses a silver casket, probably one of the two silver caskets of Mary's which Hepburn of Bowton saw at Dunbar in April-May, 1567.³ The other contained the signed 'band' for Darnley's murder. This casket of the Duke's, then bearing Mary Stuart's arms, was bought by the Marchioness of Douglas, 'from a papist,' after 1632. The lady collected relics of Queen Mary. Her eldest son married the heiress of the House of Hamilton, this lady was the mother of the Duke who had the miniature 'made as beautiful as he could' by L. Crosse, and the chances are that the Marchioness of Douglas who bought the silver casket also collected the miniature which the foolish Duke, her grandson, caused to be altered by L. Crosse.

Crowds of copies of this 'foolish fat-faced' altered miniature were made by the younger Bernard Lens, in the eighteenth century: a mezzotint was also done, and was copied in oils, and this is one of the most popular false portraits. An example of this miniature, inscribed *Maria Scotiae Regina* above the head, belongs to Lady Edgar, Toronto, Canada. With miniatures of

¹ Vertue, MS. Add. British Museum, 23073, f. 15, 25. Quoted by Mr. Cust, pp. 137, 138.

² Williamson, p. 43.

³ See his Confession: *Mystery of Mary Stuart*, p. xvi. 1901.

James III. and VIII., and Prince Charles, it has descended to Lady Edgar from her husband's ancestor, Mr. James Edgar, the honest, learned, and loyal secretary of the exiled Kings, from 1740 to 1766. Lady Edgar's example varies in essential respects from the Lens copies of the Hamilton miniature, as she informs me. I have not seen it, and it may be authentic; it was probably accepted by Mary's latest descendants in the male line.

Another common type is called by the Gräfinn Eufemia Ballestrem¹ 'Das Ham House Portrait.' It is a miniature signed by 'Catherine da Costa,' and the Queen gave it to Mary Fleming, who married Maitland of Lethington. Madame von Ballestrem photographs a copy in the Museum at Cassel, a copy by the hand of an English princess. The Queen has 'eyes as large as billiard balls' and wears a pearled coif, an ear-ring of three pear-shaped pearls, a necklet of large round pearls, pearls alternating with rubies are on the collar of her dress, which is trimmed with white fur; a large closed crown stands beside her.

The extreme pinnacle of Marian myth is attained in the 'traditions' about this miniature of Mary at Ham House. As Dr. Williamson says, its source is either the Hamilton miniature, beautified and made ridiculous for ever by Laurence Crosse, about 1707-1710, or is a mezzotint done after that grotesque effigy. Thus the Ham House miniature cannot be earlier than the beginning of the eighteenth century. It is signed 'Catherine da Costa,' and is inscribed, says Dr. Williamson, 'Maria Regina Scotland,'—probably by Catherine da Costa who knew rather less Latin than even Pierre Oudry.

Who was Catherine? She has hitherto been claimed as a seventeenth century painter, whose only known work is a copy of an eighteenth century miniature! Dr. Williamson writes: 'There is another tradition as to Catherine da Costa which must be mentioned here.' 'It is stated that amongst the attendants who came over with the Queen' (1561) 'from France there was a young catholic girl bearing this name, and that she was the author of the picture in question.' If Catherine was born in 1540, she painted the miniature in old age, for she certainly did not copy Crosse's folly before, say, 1707, when she was one hundred and sixty seven years of age. Worse remains; 'Catherine is said to have painted'

¹ *Maria Stuart*, p. 47. Hamburg, 1889.

the beautiful Welbeck miniature of Mary, with the motto *Virtutis Amore*, of which we have already written. If Catherine executed that masterpiece, say in 1560, her style had greatly altered when she copied L. Crosse's foolish, fat-faced princess, in the eighteenth century.

Dr. Williamson thinks Catherine's piece 'more than a century later' than the Welbeck relic. As he holds that Catherine was probably, or possibly, a daughter of Emanuel Mendes da Costa, who was writing books between 1757 and 1778, Catherine's one known work must be two centuries later than the Welbeck miniature of about 1560.

The Ham House Inventory alleges, according to Dr. Williamson, that the Duke of Lauderdale of the Restoration 'inherited' an object which in his day did not exist, the Ham House miniature, 'from his ancestor, Sir William Maitland, Lord of *Lethingen*.' Under this title we scarcely recognise William Maitland, younger of Lethington, (not 'Lethingen'), who was *not* an ancestor of the Duke of Lauderdale, but a remote collateral. 'This statement, if accurate, must either refer to another miniature altogether, or else Catherine da Costa must have followed the example of Lawrence Crosse, and amended the original portrait to correspond with the likeness accepted in her time,' that is with Crosse's foolish, fat-faced lady. If the real Catherine da Costa was painting about 1780, all this mass of myth has grown up around her and her little piece of copyist's work with remarkable speed and luxuriance.¹

The makers of family myth never ask whether there is any trace of a Catherine da Costa in any of the Household Lists of Mary Stuart. Certainly none is known to me, and, if a Catherine da Costa did come to Scotland in 1561, she could hardly be copying miniatures in 1707-1730. Dr. Williamson, of course, is not responsible for the legends which he collects, the folklore of historical portraiture. Fables of this kind probably have their germs in guesses. The Lauderdale family were of the Lethington family, Maitland of Lethington was Secretary of State under Mary; a late miniature of Mary, an eighteenth century concoction, exists in a Lauderdale house, and somebody combines his information and guesses that the picture came from Mary to her Secretary or his wife, and so descended,

¹Dr. Williamson in *Ham House*, by Mrs. Charles Roundell, pp. 144, 145. Bell & Sons, 1904.

as many of Lethington's political papers did descend, to the Ducal branch of the house. Then the guess, contradicted as it is by the modern character of the miniature, becomes a legend, and being a legend, is immortal.

In many versions of the mythical Mary after L. Crosse's concoction, a bonnet and plume are sometimes substituted for the coif, and the thing appears as Mary in book illustrations of the early nineteenth century. Beautifications, prettified at third hand, of the Morton portrait, in miniature, are also common, dating from about 1820, and have often been engraved. A comic example of false portraiture is given by Mr. Foster.¹ He writes that a picture 'said to have been brought *from the King's closet* at Versailles by Beau Lauder of Carrolside, a well-known Jacobite of his day,' (a Jacobite unknown to me), was exhibited in Edinburgh in 1856. It had the collar of white fur, and a crown on the left, pearls in the hair, and 'took after' Mary Fleming's Ham House miniature by Catherina da Costa. 'Mr. James Drummond, formerly Curator of the Royal Scottish Academy, also exhibited a portrait *from the King's closet*.'

'This, all this was in the golden year' 1856. In 1875 Mr. Drummond knew better.² He read a paper on Scottish Historical Portraits to the Antiquaries, attributing most of the Knoxes and Marys to the Medina who died in 1796. 'This school of manufactory was continued into the nineteenth century.' Mr. David Roberts, R.A., told Mr. Drummond, that as a boy he was acquainted with one Robertson, 'who lived by doing portraits of Queen Mary, Prince Charles *and such like*.' Mary he painted now in red, now in black, now with a veil, anon holding a crucifix. 'And, if required, a crown was introduced somewhere or other, a favourite inscription on the back being *From the original in the King of France's closet*.' Now the closet is open, and we view the skeleton, *feu* Robertson! He did 'a little judicious smoking and varnishing' when an 'original' was demanded.

We have described the most popular types of Marys who never were Mary, but will remain Mary till the end of time, in family tradition, and in the shops of dealers in engravings, and in the illustrations of popular books. The Ailsa type is

¹ Foster, p. 21.

² *Proceedings, Scottish Society of Antiquaries*, vol. xi. 1870, pp. 251, 252.

now attributed to Pourbus, and now to Zuccaro, as taste and fancy direct, while I have seen it set down to Clouet! The charming Fraser-Tytler portrait of a lady unknown, now in the National Portrait Gallery, has never got into proper circulation, nor has the Duke of Devonshire's dainty coquette (published in Major Hume's *Love Affairs of Mary Stuart*), nor the Tudor princess (?) in Darnley's room at Holyrood. It is a common trick to fake any portrait of a lady of the sixteenth century into a Mary Stuart. Tricks, of course, are endless, and now that attention has been drawn to the genuine jewels of Mary, new portraits, wearing specimens of these, may appeal to the rich and the inconsiderate.

There exists, in the possession of Mr. Fraser Tytler, a little enamelled jewel representing a boy chevying a mouse, and this is said to have been given to Mary by Francis II. when Dauphin. The illustrated catalogue of the Stuart Exhibition of 1889 says: 'There is a portrait of the Queen in the possession of Lord Buchan in which she is represented wearing it.' Unluckily, Mr. Cust makes no reference to this very interesting portrait, authenticated as it is by a jewel about which there can be no mistake, that is, if its connection with Mary is satisfactorily demonstrated. The illustrated catalogue, in describing the very few jewels exhibited as relics of Mary, does not, as a rule, advance any proof that they ever were in the jewel house of the Queen. Their claims repose on such phrases as 'it is traditionally reported' that this was the case. There are, probably, several portraits in existence which descend from actual but lost likenesses of Mary. Brantome mentions her costume à l'*Espagnolle*; and this, writes Mr. Cust, 'would be a close-fitting dress, with fur round the neck and fur trimmings to the puffed sleeves at the shoulders. . . . There are portraits purporting to represent Mary which show a similar costume, and which may possibly be traced back to some lost original, from which they have drifted far astray in process of translation.'¹ Such an one is the Hamilton miniature as beautified by L. Crosse. Mr. Newton-Robinson also possesses an old portrait of a lady, on a small panel, which might be looked on as Mary, if we judged merely by a description. The subject has a lofty brow; thin eyebrows, wide apart; red brown eyes, the white of the eye touched with

¹ Cust, p. 50.

blue ; a very long, low, straight nose, yellowish brown hair ; mouth and chin as in the miniature in the Royal collection at Windsor. She wears a cap studded with diamonds ; attached to this are lappets apparently of wool in a gold edged reticulated covering, fastened beneath the chin. The dress has a collar of light grey fur, the same fur trims the sleeves at the shoulders. The expression is hungry, the complexion is sallow. The panel is inscribed in very distinct raised letters, ANO. DNI. 1562. In letters much darker, and more obliterated we read ANO. AET. 22. In 1562 Mary would be twenty, not twenty-two, but 1540 is given as the date of her birth in Haydn's *Dictionary of Dates*. Thus the ANO. DNI. 1562 may be an ingenious but erroneous modern addition, derived from Haydn. It is an unlovely effigy, but may be related to some portrait of the Queen dressed à l'*Espagnolle*, and is certainly, I think, of the sixteenth century.

I have also been allowed to see a curious portrait of Mary on old panel. She wears a very tall tiara of pearls, table rubies, and flowers in enamel. The hair is well painted, and of the right colour, reddish brown or auburn. The face is beautified in the taste of the eighteenth century ; the eyes are blue grey ; the nose long and straight, 'a Grecian nose' ; the little full mouth has the arch of Cupid's bow ; the eyebrows are arched and well marked, the whole effect is not unlike that of the portrait of the beautiful Duchess of Argyle (Miss Gunning), the cheeks being rosy, rounded, and prosperous. The striking peculiarity is the costume, The dress is dark green, richly studded with round pearls, and across the breast, as in the Leven and Melville portrait, the Queen wears a broad belt of jewels. These consist of alternate double pearls, one pearl above the other, and of large table diamonds, as in the *carcan* which, in 1566, Mary bequeathed to the House of Guise. From the *carcan* depends a great ruby, with pearl pendant. How are we to account for the correctness of tiara and *carcan* ? The tiara I do not find in the Inventories, but it is entirely in the style of 1560-1570. Have we here a beautified copy, in eighteenth century taste, of a genuine portrait of Mary, or, as in the Bodleian picture, has a portrait been painted over an older portrait on the old panel, retaining the correct jewelry and costume ? Possibly the face only has been repainted, while the tiara, the hair, and the dress and jewels have been left much as they were.

This piece has been explained as a seventeenth century 'gallery portrait' of Elizabeth of France, Queen of Philip II. But it does not resemble her in a single particular: Elizabeth had black hair and black eyes, if we may trust Brantome who knew her; and a turned-up nose, if we may believe most of her portraits.

Reviewing our results, and setting aside coins, posthumous memorial pictures, and the interesting effigy on the Queen's tomb, we find that the following portraits have complete proof of being contemporary and authentic, or at least are related closely to others which did possess these qualities:

1. The Chantilly drawing of 1552.
2. The Bridal medal (1558).
3. The drawing of about 1558-1559, by 'the presumed Jehan de Court.' The Douce portrait in the Jones' collection, South Kensington.
4. The Florentine, Rijks Museum, Medicean *Book of Hours*, and Welbeck miniatures. The Breslau wax medallion.
5. The miniature in the Royal collection at Windsor.
6. The Leven and Melville portrait, derived, at least, from some work of 1558-1560.
7. In first widowhood (1561), Janet's drawing of the *Dueil Blanc*.
8. As derivatives, Mrs. Anstruther-Duncan's, Lord Leven's, and the Powis miniatures, claiming to date from 1572.
9. The Sheffield type of portrait, dating from 1578.
10. The Lesley medallion, published in 1578.
11. The Morton portrait.
12. The Hilliard miniature of 1579 (?).
13. Lady Orde's, the Rijks Museum, and Florentine later miniatures of *circa* 1584.

All of these present the self-same face at various periods extending over thirty-four years of a life predestined to unhappy fortunes. I must add a line on the Freshfield portrait.

This interesting portrait on panel was exhibited by Messrs. Shepherd, King Street, St. James's, in summer, 1905. It was bought by Messrs. Shepherd from the representatives of a gentleman, deceased, who, it seems, was a descendant in the female line of Mr. Andrew, or Andrewes, Sheriff of Northamptonshire, who, in his official duty, was present at Mary's taking off at Fotheringay.¹ The family legend that it was presented by Mary

¹ Ashmole MS. 830 l. 18, Bodleian. Cf. Mrs. Maxwell Scott's *Tragedy of Fotheringay*, p. 265.

to the Sheriff may be discounted, but there is no reason why Mr. Andrewes should not have procured the piece from one of her attendants, and the Queen certainly possessed her own portrait, as appears from her latest inventories in Labanoff. The face is one of more than mournful beauty, wasted and tormented but still fair. The russet hair, the high brow, the nose and the chin are all in accordance with her authentic likenesses. The carnations are soft and warm; not improbably she used rouge. The eyebrows, as in the Morton portrait, are too dark and thick, though here, too, she may have 'corrected natural beauty.' The eyes are larger and rounder than they were, but are right in colour, and the mouth appears to have been retouched. The ruff is not known to me earlier than the close of 1578, when it was generally worn by persons of fashion, and probably the piece represents the Queen as she was in 1579, before the later broadening and flattening of her face. She is dressed in black, and no jewels or religious emblems are visible.

This portrait, a quarter length, is certainly among the most pleasing extant, and, despite the faults noted, is convincing in the expression. In 1579 Mary would wish to have a portrait to send to her son, whom her secretary, Nau, then attempted to visit, as has been said. Beyond these facts we cannot go with safety. The work, purchased by Mr. Douglas, Freshfield, has been well photographed by the Autotype Company, and figures as the frontispiece of Mrs. MacCunn's *Mary Stuart* (Methuen & Co., 1905).¹

ANDREW LANG.

¹ I find that, in quoting Mr. Lionel Cust, I have never given the full title of his book, which in part is based on notes left by Sir George Scharf. The title is 'Notes on the Authentic Portraits of Mary Stuart.'

James I. of Scotland and the University of St. Andrews

ALTHOUGH the main facts regarding the foundation of the University of St. Andrews have long been generally known, a good deal still remains to be discovered as to its actual origin and early history. The story of its beginning was first told by a contemporary writer,¹ whose brief and simple narrative was long afterwards transformed into one of the most picturesque and oft-quoted passages to be met with in Scottish history.² This well-known account of the University's inauguration is quite satisfactory, so far as it goes, and its terse and graphic language could scarcely be improved upon. But it fails to answer many of the questions that arise in the mind of a serious inquirer into the genesis of so venerable and illustrious an institution. One would like to know, for example, what special circumstance, or set of circumstances, led to its foundation at that particular time;³ who started the idea of founding it; who took the first step towards its realisation; what body or bodies of men deliberated upon its constitution and organisation; and what precisely were the stages through which the negotiations passed that culminated in its erection and confirmation. To such questions

¹ Walter Bower, Abbot of Inchcolm, in his continuation of Fordun's *Scotichronicon*, lib. xv. cap. xxii.: 'De fundatione universitatis Sancti Andreae.'

² Tytler, *History of Scotland*, 1864 ed. vol. ii. p. 43.

³ In the absence of definite information, the conjecture may be hazarded that the immediate cause of the opening of a University at St. Andrews in 1410 was the action of the Council, or Synod, of Pisa in deposing Popes Gregory XII. and Benedict XIII., and electing Alexander V., in 1409. As Scotland continued to adhere to Benedict, Scottish students became schismatics in practically every University they had been accustomed to frequent. Their position was thenceforth to be as uncomfortable in France and elsewhere as it had previously been in England. Hence the urgent need for a University at once easily accessible and located within the obedience of the Pope to whom Scotsmen remained steadfast.

as these written history gives no definite answer. To the facts recorded by Bower, writers like Boece, Buchanan, and Spottiswoode add practically nothing. For further insight one must have recourse to contemporary documents, but, unluckily, these are not so numerous as they might have been, and probably once were.

So far as is known only one original contemporary document connected with the founding of the University is still in existence. It is one of the six papal bulls granted by Peter de Luna, as Pope Benedict XIII., on 28th August, 1413. The five other bulls granted by him on the same date exist in chartulary copies only.¹ The charter granted by Bishop Wardlaw on 28th February, 1411-12, has not been preserved, but it is quoted *in extenso* in the bull just mentioned, and there are chartulary copies of it also. The records of the Faculty of Arts commence in 1413, immediately after the receipt of the papal confirmation (*ab initio studii Sancti Andreae fundati et privilegiati per Benedictum papam*), but they make no allusion to events of earlier date. This may possibly have been done in the *Acta Rectorum*, the earliest volume of which, however, is lost.

Bower states quite explicitly that the 'general study of the University in the city of St. Andrew of Kylrymonth in Scotland began in 1410, after the feast of Pentecost [11th May], in the time of Henry of Wardlaw, bishop, and of James Biset, prior.' As Bower had ample means of knowing the facts, there is no reason to doubt the general accuracy of his statement. It is indeed substantially confirmed by the charter subsequently granted by Bishop Wardlaw, who refers to the University as already praiseworthy begun (*jam laudabiliter inchoata*) by the Doctors and others to whom the charter is addressed. Curiously enough Bower is silent as to who was the founder of the University.² He gives the date of its beginning and the names of its first teachers; he duly chronicles the arrival of the papal bulls and the festivities that

¹ The bulls were twice printed by the University Commissioners of 1826, and may be read in the volume of 'Evidence' relating to St. Andrews published in 1837, pp. 171-6. A facsimile of the one which is still preserved, along with a transcript and a translation, will be found in part ii. of the *National Manuscripts of Scotland*.

² In an earlier section of the *Scotichronicon* (lib. vi. cap. xlvii.), probably also written by Bower, Wardlaw is described as 'Hic vir mansuetus . . . qui in civitatem Sancti Andreae primus fundator Universitatem introduxit.'

followed thereon ; but he takes no notice of Bishop Wardlaw's charter. Wardlaw and Biset are only casually named as the bishop and the prior who happened to be in office when these events happened. But Wardlaw, in his charter of 1411-12, claims to have *de facto* instituted and founded the University, and in that document he proceeds to found it over again (*ex abundantii*), with the consent of his chapter, and to confer upon it various immunities and privileges. The prior and convent of St. Andrews likewise ordained the bishop's concession of privileges to be observed throughout their respective baronies. In the absence of any other document, this composite charter of 28th February, 1411-12, must be held to be the foundation charter of the University. If any earlier writing of a similar nature ever existed, no trace of it can now be found.

Papal confirmation of the foundation being essential to enable the new University to become effective, and especially to confer degrees carrying with them the *jus ubique docendi*, Henry Ogilvy, a Master of Arts of the University of Paris and a priest of the diocese of St. Andrews, appears to have been despatched to the Court of Benedict XIII., the pope to whom Scotland at that time adhered, to procure the indispensable bull. He carried with him the customary petition, addressed to the pope in name of the king of Scotland, and the bishop, prior, archdeacon and chapter of St. Andrews ; and it was in response to it that the six bulls already referred to were issued.¹ For more reasons than one, I have long been anxious to see the full text of this petition, and quite recently I caused a search to be made for it in the Vatican archives. The petition itself could not be found, but the substance of it has been preserved in the papal registers in a form which seems to indicate that nothing essential has been omitted and that the *ipsissima verba* of the original have for the most part been retained. An abstract of this document, in English, has long been at the Record Office in London, and was printed in 1896.² I have thought it worth while to procure a com-

¹ The issue of so many bulls to the same University on the same day is probably a unique event in academical history. It arose from the somewhat unusual form of the petition and the consequent necessity of dealing with some of its clauses in separate documents. An almost parallel case is the University of Cahors, which obtained an equal number of bulls from Pope John xxii. in 1332, but they were not issued simultaneously.

² Calendar of Papal Registers. *Petitions*, vol. i. p. 600.

plete transcript of it, and append it to this article as a hitherto unpublished document of some importance affecting the inception of the University.¹

It will be observed that the movement to found a Scottish University was a national one. The proposal was discussed not only in the Chapter House at St. Andrews but also in the Scottish Parliament, and it had received the imprimatur of the Three Estates, while King James himself is named as one of the petitioners for its confirmation. The king, as is well known, was at the time a prisoner in England and so was prevented from taking any active part in promoting the scheme in his own country; but he appears to have been made acquainted with it by those who had occasional access to him, and to have given it his hearty commendation and support. Bower indeed, in recounting James's many virtues, credits him with carrying on a vigorous correspondence on behalf of the University, including letters to the Pope on the subject of its privileges.²

The various clauses of the petition have been transferred to one or other of the six papal bulls, sometimes almost word for word. But there is one striking exception affecting a no less important office than that of the Chancellorship. According to the Rev. C. J. Lyon, 'We have still the foundation-charter of the University, dated 1411, in which the bishop fixes its constitution, settles its discipline, confers various privileges upon its professors and members; and invests the government of it in the Rector, subject to an appeal to himself and his successors, whom he creates its perpetual chancellors.'³

This is rather a loose statement to be made by a historian who had closely examined the charter and relative bulls and published summaries of them in English. To refer to one point only, the word Chancellor is entirely absent from Wardlaw's charter, nor does it occur once in Benedict's half dozen bulls. In the petition, the pope was quite plainly asked to

¹ Appendix A.

² 'Ipse etenim non solum erat naturali ingenio callens, sed et morali philosophia multis etiam claræ scientiæ viris præditus et prædoctus, qui in tantum philosophiam et ceteras artes liberales in regno suo introduci affectans, quod, ad ipsius instantiam, multiplicatis intercessionibus, et diversis literis propria manu cancellatis et signatis, cum tamen ipse pro tunc in captivitate fuerat detentus, pro privilegiis Universitatis in ipso regno fiendæ summo pontifici scripsit et obtinuit.' *Scotichronicon*, lib. xvi. cap. xxx.

³ *History of St. Andrews*, vol. i. p. 203.

ordain that the Bishop of St. Andrews should preside over the University as Chancellor, and that, with the consent of the Faculties, he should have power to regulate the manner of conferring degrees, and to make laws and regulations for the government of the University. But this request is not given effect to in the bulls, and the only passage in them bearing upon the office of Chancellor (which is never named) is one ordaining that graduands in the different Faculties are to be presented to the Bishop of St. Andrews, or to his vicar-general, whom failing, to some other suitable and duly accredited person, for their degrees. In drafting the principal bull Benedict adhered pretty closely to the phraseology employed by him in the one he had issued in favour of Turin on 27th October, 1404 (which in turn had been modelled on Urban VI.'s bull of 21st May, 1388, in favour of Cologne), and so avoided the formal appointment of a Chancellor.¹

He probably disliked the innovation, and in particular the request to confer upon the Bishop of St. Andrews the right of taking part in the general management of the University, and thus of encroaching upon the functions of the Rector.² In other respects the prayer of the petition was fully given effect to, either in the principal bull or in the supplementary bulls.

The papal bulls arrived in St. Andrews on Saturday,

¹ It may be noted that in acting thus Benedict simply followed the long-established practice of the papal chancery. I do not remember to have seen a foundation bull of the fourteenth century in which the title of Chancellor was conferred upon any archbishop, bishop, provost, or other ecclesiastical dignitary to whom the power of conferring degrees was committed. On the other hand, with a few exceptions, this title was regularly conferred by the papal bulls of the fifteenth century. The practice was probably inaugurated by Alexander V., who introduced the following clause into his Bull of 9th September, 1409, founding the University of Leipsic: 'Et insuper dictum episcopum Merseburgensem existentem pro tempore huiusmodi studii cancellarium auctoritate prefata constituimus et etiam deputamus.' *Urkundenbuch der Universität Leipzig*, p. 3.

² At Louvain, for example, the Provost of the Collegiate Church of St. Peter, who had been created Chancellor by Martin V. in 1425, had no administrative powers. 'Summum et unum est Academiae caput, seu Princeps unus: hunc Rectorem appellamus. Ejus dignitas omnino magna est.' . . . 'Secundus in Academia Honor est Cancellarii, isque perpetuus. Eius officium est, titulos et honores Academicos Magisterii, Licentiae, Doctoratus, exactis Studiorum spatiis, auctoritate Pontificia, conferre more in Academicis recepto. Jurisdictionem nullam exercet; habet vero in publicis consensibus omnibus proximum a Rectore locum.' *Nicolai Vernulaei Academia Lovaniensis*, 1667, pp. 11, 19.

3rd February, 1413-14,¹ and were presented to Bishop Wardlaw at nine o'clock on the following morning in the Refectory of the Priory, where they were read in presence of a solemn assembly of clergy. A religious service in the Cathedral followed, and thereafter amid much 'boisterous enthusiasm,' the University started upon its career as a fully privileged *Studium Generale*.

The king does not appear to have been directly represented on this auspicious occasion, nor is there any authentic record of his connexion with the University until some time after his return to Scotland. Notwithstanding this, modern writers have followed each other closely in attributing to King James various forms of activity with respect to the University and its members in the period immediately succeeding his coronation by Bishop Wardlaw, at Scone, on 21st May, 1424. Thus Dr. M'Crie, writing in 1819, says:

'James I., who, in recompence of his long captivity, had received a good education in England, patronised the newly-erected University after his return to Scotland. Besides confirming its privileges by a royal charter, he assembled those who had distinguished themselves by teaching, and by the progress which they had made in their studies, and after conversing familiarly with them, and applauding their exertions, rewarded them according to their merit with offices in the state or benefices in the church.'²

Twenty-four years afterwards, Lyon had discovered some additional particulars and was able to expand this statement a little, as follows:

'One of his first cares, after [his return], was to sanction and encourage the infant University. From the Continental universities he invited many learned theologians, and particularly, it is added, some Carthusian monks, to assist in following up his undertaking. The public disputations of the students he countenanced with his presence, and ordered that the Professors should recommend none for ecclesiastical preferment but such

¹ They had thus been five months on the way. Following Archbishop Spottiswoode, Dean Stanley, Principal Cunningham, and others have represented these bulls as coming from Rome. But it was only metaphorically that they emanated from the Eternal City. As a matter of fact, they came from Pefiscola, a rocky fortress on the east coast of Spain, to which Benedict had retired after the Council of Pisa.

² *Life of Andrew Melville*, vol. i. p. 217.

as were skilful in their several faculties, as well as virtuous in their lives. He likewise enacted, that all commencing Masters of Arts should swear to defend the Church against her enemies, and particularly against all adherents of the heretical sect then denominated Lollards.¹

Later still, in 1883, Principal Shairp, without getting much beyond Lyon, contrived to tell a slightly different story to an Oxford audience :

‘But the king, as soon as he was restored to his throne, made it, we are told, one of his earliest cares to resort with his queen to St. Andrews, and lodge with Henry Wardlaw in his episcopal residence in the old sea-fort. He visited, accompanied by the Bishop, the rising schools, and was present at the disputations held there by the students. He did all he could to encourage the growth of the university. He invited from foreign universities many learned theologians to come and teach in the young Paedagogium, and especially monks of the Carthusian order. And he ordered the regents or professors to recommend to him for ecclesiastical preferment none but students of proved capacity and learning and of virtuous life.’²

There is doubtless a certain amount of truth in some of these assertions, which have been gathered from Bower, Boece, Buchanan, and Spottiswoode. But the statements of these writers are very general, and some of them can have no reference to St. Andrews at all. There is no documentary proof for any of them in the possession of the University, nor indeed do its records give any indication of the king’s interest in its welfare between 1424 and 1432. It can, on the other hand, be quite clearly shown that Lyon was wrong in attributing the oath against Lollardism to King James. It was as early as 6th June, 1416, that the Faculty of Arts prescribed the form of oath to be taken, in the hands of the Bedellus, by those about to incept. It consisted of eight clauses—the fifth being in these terms :

‘Item jurabitis quod ecclesiam defendetis contra insultum Lollardorum et quibuscumque eorum secte adherentibus pro posse vestro resistetis.’

With Laurence of Lindores, ‘inquisitor of heretical pravity,’

¹ *History of St. Andrews*, vol. i. p. 208.

² *Sketches in History and Poetry*, pp. 264-5.

as Dean of the Faculty, and Robert, Duke of Albany, as Governor of the Kingdom—a man who

‘wes a constant Catholike;
All Lollard he hatyt and heretike,’¹

it surely did not require an injunction from the exiled king to stir up the University to exact from its graduates a solemn promise to defend the faith of the Church.

All the same, it may readily be believed that, after his liberation, James was no stranger to St. Andrews, and that he found in its University an institution worthy of his fostering care. But it now transpires that before long he formed the opinion that it was not located in the safest and most suitable place, and that he even went the length of applying to Pope Martin V. for permission to transfer it from St. Andrews to Perth. This hitherto unrecorded fact is learned from a papal missive of which the text is here published for the first time.² This application was made within two years of the king’s coronation, and he seems to have been alone responsible for it. Charters under the great seal issued from St. Andrews in 1426 would seem to indicate that James was there in January, February, April, and July of that year.³ His views and intentions must have been known to the officers of the Crown who accompanied him, as well as to Bishop Wardlaw and the Rector and Masters of the University; but his letter to the Pope, like some of those earlier ones referred to by Bower, had been transmitted by his own authority and under his own sign manual.

Only two reasons were given in the king’s petition to the Pope for the removal of the University from its original site. First, that St. Andrews, being situated on the sea-coast, was rather close to England, between which country and Scotland there were frequent wars and dissensions; and second, that Perth being situated in the centre of the Kingdom, and having a better climate and a more abundant supply of provisions than other places in Scotland, offered all the advantages required by those resorting to a university. James had no doubt other reasons for the scheme he had in hand. Perth was still the

¹ Wyntoun, Book IX. chap. xxvi.

² Appendix B. I am indebted to Professor Enrico Celani, of the Officio Bibliografico in Rome, whom I had employed to search for the Petition, for drawing my attention to the existence of this important letter.

³ *Registrum Magni Sigilli*, vol. ii. pp. 6-10.

capital of Scotland and had long been the ordinary meeting-place of Parliaments and General Councils. James's first Parliament had met there on 26th May, 1424, and had been followed by others on 12th March, 1424-25, and 11th March, 1425-26. In the last mentioned year James was also negotiating for the foundation of a Carthusian monastery at Perth. His aim appears to have been to make Perth the principal city of his Kingdom—the centre of legislation, religion, and learning.

The scheme was a bold one considering that the University had been so recently founded, and that it was located in the ecclesiastical metropolis of the country. But even then it was not without precedent. Almost at the very same time the University of Turin had been actually removed to Chieri; while two centuries earlier a contract was prepared for transferring the University of Padua to Vercelli.¹ In one sense the removal of the University from St. Andrews to Perth would have been attended with no great difficulty. It was at the time entirely unendowed, and had no material possessions of any kind in St. Andrews, with the exception of a small building with a narrow strip of ground attached, which had been gifted to it in 1418 by a certain Robert of Montrose for the purpose of founding a College in honour of St. John the Evangelist. The public meetings of the University were held in the different churches and religious houses, and its teaching was carried on in halls or pedagogies opened by the various masters. The students lived in rooms throughout the town just as they do now, although the Faculty of Arts had favoured 'collegiate' living as early as 1414.

Martin V.'s answer to the king's petition was eminently discreet and cautious. While not unwilling to grant the royal request, the Pope felt that he had not sufficient knowledge of the circumstances to warrant his giving effect to the prayer of the petition without careful inquiry. He accordingly referred the whole matter to the Bishops of Glasgow and Dunblane, directing them to examine diligently into the truth of the statements set forth in the petition and to make certain that the University and its members would be invested with such royal privileges and liberties as seemed to them to be useful and necessary for its favourable growth and preservation. If the two bishops were able to satisfy themselves that the statements

¹ Rashdall, *The Universities of Europe in the Middle Ages*, vol. ii. pp. 57, 12; *Scot. Hist. Rev.* vol. iii. p. 53.

were true, and that Perth was in all respects a suitable place for a university, they were empowered, by apostolic authority, to transfer the University of St. Andrews thither, along with its masters, doctors, and scholars, but in such a manner and under such conditions that the University and all connected with it should continue to enjoy in the town of Perth exactly the same privileges and immunities that they enjoyed in the city of St. Andrews.

What the two bishops did in the matter, it is impossible meantime to say.¹ So far as I can discover, no further notice of the transaction exists. The University records that have come down to us give no hint whatever that any such proposal was ever made. It was a scheme which could not fail to excite considerable opposition, especially in St. Andrews, and if it had been persevered in some notice was almost bound to have been taken of it in contemporary documents. The probability is that the king found that it would be inexpedient to press the matter and so allowed it to drop. Be that as it may, it probably had the effect of stirring up the University authorities, including Bishop Wardlaw himself, to do something to make its position more stable at St. Andrews. Thus we find the Faculty of Arts on 9th March, 1429-30, voting forty shillings from its funds towards the expenses of the Rector and some other deputies who had gone to the Parliament then sitting in Perth, to endeavour to obtain certain privileges for the University. To add dignity to their mission they were also allowed to have with them the Faculty mace.² Then, in the very same month, Bishop Wardlaw, who had so far done nothing towards endowing the University, announced his intention of handing over a tenement situated beside the Chapel of St. John for the purpose of erecting a College for the Faculty of Arts, provided the Faculty would

¹ As 'St. Andrews men' they were probably not much in favour of the scheme. John Cameron, Provost of Lincluden, who had just been elected to the See of Glasgow, is understood to be the Johannes de Camera whose name appears among the Bachelors of Arts of the University in 1416, and among the Licentiates in 1419. He was appointed Official of Lothian by Bishop Wardlaw in 1422, and had been at St. Andrews, in the capacity of Keeper of the Privy Seal, several times in 1426. William Stephen, Bishop of Dunblane, was one of the first Masters in the Faculty of Theology and Canon Law at St. Andrews.

² On 21st January, 1436-37, a further grant of five merks was made 'pro expensis faciendis per rectorem et ceteros deputatos apud Perth pro nostris privilegiis servandis,' but it is not clear to what particular mission this refers.

make a grant from its common purse towards the construction of the building. The Faculty cordially agreed to do so, and several of its members also promised contributions from their own resources. The charter of donation was completed on 9th April, 1430, and on the day of infestment there was much mutual congratulation and speechmaking, while the ceremony itself was witnessed by the Bishop of Caithness, the Rector of the University, and a goodly company of other dignitaries. Fully five years elapsed before the building was first used as a meeting place for the Faculty of Arts. It was at first known as the 'Magna Scola Collegii,' and afterwards as the 'Nova Scola Facultatis.'

Nothing more is recorded of the visit of the deputation to Perth in 1430, but it may be assumed it was not altogether in vain, for by a charter under the great seal, dated at Perth 20th March, 1431-32, the king took the University and all its members under his firm peace, custody, defence and maintenance, and declared them to be exempt from all taxations and burdens of every kind imposed within the Kingdom of Scotland. In granting these privileges the king expressed his ardent desire for the welfare of the University (which he called his 'beloved daughter'), and his earnest hope that it would produce men distinguished for knowledge, lofty counsel, and upright life, through whom the orthodox faith would be defended and justice and equity maintained. This was the first of a lengthy series of royal charters issued on behalf of the University by the Scottish sovereigns. It was immediately followed by another charter, also under the great seal, dated at Perth 31st March, 1432, confirming the privileges which had been granted to the University by Bishop Wardlaw. Among the local witnesses to these two charters were Bishop Wardlaw, Laurence of Lindores, Rector of the University, James Haldenston, Prior of St. Andrews, and Thomas Arthur, Provost of St. Andrews.¹

The University had now obtained all the patronage and protection it required. Fortified with episcopal, papal, and royal charters, its autonomy was complete, and it required no more help from without except endowments and a continuous supply of students. But it was founded in a turbulent age, and peace did not always reign within its borders. Rival pedagogies had almost from the first been a source of strife

¹ *Evidence*, p. 178; *Reg. Mag. Sig.* vol. ii. p. 46.

among the masters and the cause of insubordination among the students. Pecuniary and other purely mundane troubles likewise cropped up now and then: hence we read in one place that *de isto computo non fuit concordia inter dictos deputatos*. The king no doubt knew all this, and having taken the University under his royal protection, and conferred upon it every possible privilege, he next tried to bring about law and order among its members. On 21st November, 1432, the Faculty of Arts met to consider an 'Appunctamentum' which had been received from William de Foulis, Keeper of the Privy Seal, and formerly one of the first teachers in the University. This decree had been drawn up, or approved, by the king¹ for transmission to the Faculty in the expectation that it would be accepted and its injunctions duly complied with. But the Faculty was an independent body and had already declined to acknowledge the jurisdiction of the University in the disposal of its revenues. The meeting evidently did not relish the interference of the king in the internal affairs of the Faculty, but after deliberation a way out of the difficulty was found. It was resolved that the 'Appunctamentum' should not be made into a statute, but that it should have the force of one, so that it should not be lawful for any master or scholar to infringe or disobey it, unless perchance it were first of all revoked in whole or in part. This 'Appunctamentum' is a somewhat lengthy document of eleven clauses. It provides, among other things, that the Dean of the Faculty be held in becoming reverence by its members and his orders obeyed; that the Dean should pay a weekly visit to the different pedagogies and take note of the manner in which they were conducted; that the Dean should have the assistance of three of the senior masters in the performance of his duties; that students wishing to pass from one pedagogy to another should give satisfactory reasons before being allowed to do so; that the masters and scholars of the various pedagogies should frequent each other's weekly disputations with a view to mutual intercourse and friendship; and that means should be taken to restrain the students from excesses.²

With this well-meant endeavour to promote peace and concord in the Faculty of Arts, King James's efforts on behalf of the University appropriately closed. At any rate no other direct

¹ As transcribed into the Faculty Register it is initialled I. R.

² The full text of this document will appear among the *Acta Facultatis Artium*, which are at present being prepared for publication.

reference to his connexion with the University has been met with in contemporary sources of information. As already noted, the University would appear to have been concerned about its privileges in the beginning of 1437, but by that time the king's tragic end was drawing near, and nothing more is heard of the matter. His interest in the University probably never flagged, and he may have done more for it than the meagre records that have survived might lead one to suppose. The University of St. Andrews was singularly fortunate in its founders and early patrons. Henry Wardlaw was one of the best of Scottish bishops, and James I. was one of the most cultured of Scottish kings. James Biset, the prior, 'was like a well-grafted shoot of a true vine that grew into a choice tree'; while Laurence of Lindores, its first Rector, was a churchman of outstanding ability and learning. Equally distinguished for learning and culture was Benedict XIII., who, as a pope, 'failed through intellectual rather than moral faults.' It is not surprising that the University prospered and attracted students from all parts of the country as well as from all ranks of society. The actual numbers have doubtless been greatly exaggerated, but that the University justified its foundation, even in the early decades of its existence, there can be no reasonable doubt.

The documents appended to this article are printed exactly in accordance with the copies received. The transcripts were made by Dr. Vincenzo Nardoni, of the Vatican Secret Archives; they have been carefully collated and are certified to correspond in every respect with the papal registers.

J. MAITLAND ANDERSON.

APPENDIX A.

Beatissime pater pro parte devotorum filiorum vestrorum Jacobi regis Scotorum illustris, Henrici episcopi, prioris et capituli ac archidiaconi Sancti Andree exponitur S. V. quod cum ipsi nuper de consilio et consensu ac communi tractatu trium statuum seu brachiorum regni Scotie pie devocionis et sinceritatis fidei fervore accensi, considerantes quamplura discrimina et pericula clericis sue dictionis in facultatibus theologie, juris canonici, civilis, medicine et liberalium artium cupientibus erudiri propter viarum transitum quotidie imminere, ac guerras et capturas ipsorum et rixas in ipsorum transitu per scismaticos eorum perfidos inimicos enormiter perpetrari ac etiam quia multi in regno predicto dociles existentes propter viarum discrimina et expensas et onera supradicta verentur ad studia litterarum accedere etiam propter defectum expensarum, et in ipsis facultatibus erudiri, qui si in regno predicto generale studium existeret de facili

instrui et doceri, et sic dicti regni inhabitatores viris scientiarum peritis possent luculenter decorari in civitate Sancti Andree ad hoc habili et ydonea reputata, generale studium seu universitatem studii generalis institui et fundari proponerent, auctoritate sedis apostolice mediante. Et propterea rex, episcopus, prior, capitulum et archidiaconus prelibati propter zelum et fervorem ipsius universitatis seu studii generalis, et ut clerici ipsius regni cupientes dictis facultatibus insudare, et in scientiis proficere litterarum, ut fructum in Dei ecclesia afferant peroptatum, et in ipso studio melius valeant insistere seu vacare, ipsam universitatem vestra auctoritate apostolica fundandam et instituendam ac studentes in eadem certis privilegiis, immunitatibus et libertatibus immuniendos atque dotandos ac a diversis oneribus, collectis, vigilliis, muneribus, tributis et exactionibus liberandos ac bedellis, scutiferis, familiaribus et servientibus ac aliis dicte universitatis officiariis privilegia concedenda secundum quod in publico instrumento sigillis episcopi et capituli predictorum munito plenius designatur ad S. V. occurrunt humiliter supplicantes et devote quatenus E. S. sua benignitate apostolica dictum studium cum singulis facultatibus in dicta civitate Sancti Andree designatum perpetuis temporibus duraturum instituat, corroboret et confirmet. Statuentes ut episcopus Sancti Andree, qui pro tempore fuerit, et vacante sede suus vicarius in spiritualibus ibidem presint, ut dicti studii cancellarius qui habeant circa regimen dicti studii cum consensu facultatum in dicto studio degentium, circa promovendos in eodem et alia que occurrunt ad regimen dicti studii, laudabiles ordinationes, constitutiones et conservationes facere valeant imponere et ordinare. Item quod viri habiles ad dictum studium convolantes etiam beneficiati per totum regnum petita sui ordinarii licentia, licet non obtenta, in prefato studio per decenium insistere valeant, et fructus recipere suorum beneficiorum, elapsoque decennio si in antedicto studio regere vellint in scollis publice legendo hujusmodi fructus in absentia percipere valeant, quamdiu hujusmodi lecturis publice perinsistunt. Item quod rector dicti studii per hujusmodi facultates assumendus seu eligendus, graduatus existat et infra sacros constitutus. Item quod singuli studentes in dicto studio secundum ordinationem sacrorum canonum libere testamentum condere valeant quod suus ordinarius seu officialis quicumque occasione prefati testamenti aliquid exigere minime valeant seu a suis executionem aliquammodo vendicare. Ita quod singula privilegia per episcopum, priorem, capitulum et archidiaconum in publico instrumento designata, ac suis sigillis roborata, ad eorum instantiam per V. S. confirmentur, et perpetuis temporibus roborentur. Item ut omnia et singula perpetuis temporibus observentur de benignitate ejusdem sedis apostolice dictis studentibus conservatoriam concedere dignemini vestra de gratia ampliori. Et insuper pro augmentatione dicti studii inchoandi quod bacallarii seu licentiati in aliis studiis de presenti scismaticis in dicto studio suos cursos perficere valeant et eorum gradus recipere. Juramentis in contrarium prestitis non obstantibus quibuscumque.

Fiat et instituimus ac fundamus, confirmamus, statuimus et concedimus ut supra continetur. L. S.

Datum Paniscole Dertusensis diocesis quinto kal. Septembris anno decimonono. Expedita loco, die et anno predictis.¹

APPENDIX B.

Martinus etc. Venerabilibus fratribus Glasguensi et Dumblanensi episcopis salutem etc. In apostolice dignitatis specula licet immeriti constituti ad singula

¹ *Archiv. Vatic. Ben. XIII, antip. Reg. suppl.*, vol. 88, fol. 197.

paterne considerationis aciem extendentes et actente prospicientes quod per litterarum studia viri efficiantur ydonei quorum salutaris disciplina Dei letificat civitatem instruuntur rudes, provecti ad altiora concrescunt, iusticia colitur tam publica quam privata, inducimur non indigne ut ad ea que pro studiorum hujusmodi, et illis insistentium commodis, utilitate et tranquillitate oportuna fore conspicimus efficaces opem et operam impendamus. Exhibita siquidem nobis nuper pro parte carissimi in Christo filii nostri Jacobi regis Scotorum illustris peticio continebat quod ipse generale studium per quondam Petrum de Luna in ejus obedientia de qua partes ille tunc erant nuncupatum in civitate Sancti Andree in Scocia fundatum et erectum ad villam Sancti Johannis Sanctiandree diocesis ipsius regis regali dominio subiectam et in medio regni Scocie situatam tum propter guerras et discidia inter Anglie cui ipsa civitas propter maris propinquitatem satis vicina existit ac predictum Scocie regna frequenter suscitata, tum etiam propter aeris temperiem ac victualium quorumlibet copiam et opulentiam quibus ipsa villa pre ceteris dicti regni Scocie locis habundare dinoscitur pro commodo utilitate et tranquillitate ad studium hujusmodi confluencium transmutari atque transferri desiderat. Quare pro parte dicti regis nobis fuit humiliter supplicatum ut studium hujusmodi de prefata civitate ad dictam villam transferre et alias super hiis oportune providere de benignitate apostolica vigneretur. Nos igitur de premissis certam noticiam non habentes hujusmodi, supplicationibus inclinati fraternitati vestre de qua in hiis et aliis specialem in Domino fiduciam obtinemus per apostolica scripta committimus et mandamus quatenus de premissis omnibus et eorum circumstantiis universis auctoritate nostra vos diligenter informetis et inquiratis diligentius veritatem, et si per informationem hujusmodi ea vera esse, dictamque villam aeris temperie refertam, victualibus opulentam ac pro hujusmodi studio alias aptam, fertilem et accomodam fore reppereritis ipseque rex studium ipsum et ad illud pro tempore confluentes illique insistentes suis regiis privilegiis et libertatibus decorare voluerit postquam rex ipse rectori et scolariis in dicto studio pro tempore residentibus oportuna privilegia et libertates que vobis pro felici incremento et conservacione dicti studii utilia et necessaria videbuntur concesserit, super quibus omnibus vestras conscientias oneramus dictum studium de prefata civitate ad dictam villam auctoritate apostolica transferatis ac una cum universitate magistris, doctoribus et scolariis sub illis modis, formis, clausulis et conditionibus quibus generale studium in dicta civitate institutum fuit et erectum in ipsa villa eadem auctoritate instituatis et etiam erigatis. Ita quod de cetero in ipsa villa generale in facultate qualibet prout hactenus in dicta civitate fuit sit studium illudque ibidem perpetuis temporibus vigeat et observetur, quodque universitas, magistri, doctores et alii scolares qui in illo pro tempore residebunt, postquam ad prefatam villam translatum fuerit, ut prefertur, omnibus et singulis privilegiis, exemptionibus, libertatibus, franchisiis et indultis tam apostolica quam ordinaria auctoritate ac per ipsum regem et predecessores suos aut alias quovis modo eis concessis, quibus in prefato studio in dicta civitate gaudent et potiuntur de presenti ex tunc etiam in dicta villa uti valeant pariter et gaudere. Non obstantibus constitutionibus et ordinationibus apostolicis ac statutis et consuetudinibus dicti studii, juramento, confirmatione apostolica vel quacunque firmitate alia roboratis, ceterisque contrariis quibuscumque. Datum Genezani Penestrine diocesis kal. Augusti anno nono.¹

¹ *Archiv. Vatic. Reg. Lateranen. Mart. V. an. IX. vol. 260, fol. 146^v.*

The Early History of the Scots Darien Company

ORGANISATION IN LONDON *

THE London merchants who had sent Paterson's draft to Scotland anxiously awaited news of the passage of the Act. They felt fairly confident, nevertheless, that it would go through with slight modification, and went so far as to engage a secretary for the Company that was still in embryo.¹ Roderick Mackenzie, scrivener, had just passed his thirtieth year. Faithful to his employers, and extremely loyal to the Company, he continued to serve as its secretary until its dissolution.²

As soon as the welcome news arrived, a correspondence began between William Paterson and the Lord Provost of Edinburgh, which is of great interest as showing the former's attitude of mind, and the dilatory methods of the Edinburgh patentees. On the 4th of July, 1695, he wrote expressing his belief in the great importance of their undertaking, which nothing but prudent management could bring to a successful issue. He cautions them that the principal designs were only to be disclosed as they were executed. The latter part of October is suggested as a time for the first meeting of the patentees. The London promoters suggested a capital stock of 360,000 pounds. They thought also that subscriptions ought to be canvassed for. Here was the method suggested: 'As for reasons we ought to give none but that it is a fund for the African and Indian Company, for if we are not able to raise the fund by our reputation, we shall hardly do it by our reasons.'³ The resemblance to cer-

* See *Scottish Historical Review*, vol. iii. p. 210, for the earlier stages of the History of the Scots Darien Company.

¹ *State of Mr. Paterson's Claim upon the Equivalent*, 1712, p. 5.

² *Ibid.* pp. 4-6.

³ Letter from William Paterson to the Lord Provost of Edinburgh, *Dar. Pap.* 3.

tain modern companies that have been floated on the reputation of the promoters is very marked. Satisfaction is expressed with the choice of patentees in Edinburgh. The general tone of the letter is hopeful and extremely tactful, but it is interesting to note this premonition of the evil that was to come.

Five days later he wrote again, urging that as great a number as possible of the patentees should meet in London to settle the constitution of the Company. Evidently the Scots promoters wished the first meeting to be in Edinburgh; for Paterson says: 'It's needful the first meeting should be in London, because without the advice and assistance of some gentlemen here it will not be possible to lay the foundation as it ought, either to counsel or money.'⁴ Fears are expressed that the Parliament of England might take unfavourable notice of the Company in the ensuing Session, which was expected shortly.

The English Parliament was not sitting at the time of the passage of the Act, and in fact was not to meet until the latter part of November. In the meantime much might be done, and the Company fairly launched before it was interfered with by the powerful chartered companies that had Parliamentary influence. The London promoters however had not realised how unbusinesslike their Edinburgh colleagues could be. The Scots were so patriotic and felt that they had already accomplished so much by securing the passage of the Act that they were in no haste to acknowledge the leadership of the London patentees, and in fact were in no haste to do anything. The opportunities which the Act gave for establishing a large trade were clearly seen in London, together with the necessity for engaging 'some of the best heads and purses for trade in Europe therein.'⁵ Opposition from the English and Dutch companies was expected, which was another reason for keeping the design secret.

Paterson continued to urge the Scots to make no distinction of parties in this great undertaking, but if a man were a member of the Company, to look upon him as of the same interest as they, no matter of what nation or religion he might be. He knew the habits of his countrymen, and foresaw that very disunion and bad management which eventually brought the undertaking to grief. In fact, he is almost prophetic when he writes: 'We may be sure, should we only settle some little colony or

⁴ Letter from William Paterson to the Lord Provost of Edinburgh, *Dar. Pap.* 4.

⁵ Same to same, *Dar. Pap.* 3.

plantation, and send some ships, they⁶ would look upon them as interlopers, and all agree to discourage and crush us to pieces.' His ideas of the way things were likely to go were based on examples of the failure of the French, Danish, and Prussian companies. 'We ought to expect no better success if our designs be not well grounded and prudently managed.'⁷

A month later he wrote again in no very happy frame of mind, for they had heard nothing from Edinburgh since the news of the passage of the Act, and had as yet received no authentic copies of it. He reminds them 'that the life of all commerce depends upon a punctual correspondence.'⁸ Evidently the promoters had been at work interesting possible subscribers, but could do nothing definite until they knew the wording of the Act. In the meantime, on the 17th of June, the Scots Parliament had adjourned, but not without passing an act to enable the administrators of the public funds of boroughs to invest in the Company.⁹ Even trust funds were to be imperilled to favour the new project.

On the 14th of August the London promoters received a letter from Edinburgh, which encouraged them to prepare for a general meeting of the corporation in October or November. The next day Paterson wrote that at least three of the persons named in the Act must come from Scotland, for two of the London promoters had been misnamed, so that three more would be needful to make up the requisite majority until the mistaken names could be rectified. They were much chagrined to find printed copies of the Act in the hands of their enemies before they had any. The Edinburgh directors do not appear to have had much business sense or caution. London merchants were already becoming alarmed as they came to appreciate the large powers granted to the Company. Secrecy was no longer of any value, but haste became absolutely essential to success.

The first regular meeting 'of the gentlemen concerned in the company' occurred on the 29th of August. None had arrived from Scotland, but all of the London patentees were present, except the two whose names were incorrectly given in the Act, and one other who seems to have dropped out of the corporation, as his name does not appear on the list of those present at any of the subsequent meetings. It was resolved that all persons

⁶ The English and Dutch Companies.

⁷ Letter from William Paterson to the Lord Provost of Edinburgh, *Dar. Pap.* 4.

⁸ Same to same, *Dar. Pap.* 4.

⁹ *Acts Parl. Scot.* IX. 463.

who were desirous of joining the Company give their names, with the sums for which they were willing to subscribe, to Roderick Mackenzie, the newly-appointed secretary, who was cautioned not to allow said names or sums to be known to any persons whatsoever, without special direction of a majority of the members. This caution he observed even under the fire of Parliamentary investigation. In order to defray necessary expenses, each of the gentlemen present agreed to advance 25 pounds until the Company could be definitely established.¹⁰

Meanwhile the Act was discussed about the city. The politicians favoured the passage of a similar act for England rather than any interference with the Scots Company, and apparently the East India merchants were not yet alarmed. As the Act met with such a favourable reception, Paterson wrote, on the 3rd of September, urging that the persons to be sent from Edinburgh be dispatched with all expedition.¹¹ He importunes them to get the Act past the seals as soon as possible, hinting darkly at important reasons for this haste, which it was not fit for him to write. Parliament was to meet in the week following, and doubtless Paterson feared action would be taken to interfere with the establishment of the Company.¹² Besides news had just been received of the fall of Namur, and the King might be expected home at any time.¹³ If the Act had not already passed the seals he might be influenced by the London companies to give orders forbidding it. Within four days of the writing of this letter a squadron was 'ordered to go to convoy the King home.'¹⁴

As the Company became more and more public, it became more necessary to have definite proposals to offer to those interested, before their ardour should cool or the opposition grow more powerful; the delay in the arrival of the members from Scotland grew more and more fatal. Although only three were required, and Paterson continued every few days to urge their immediate presence, his letters seemed to have been in vain. Whether the delay was on account of the difficulties of the journey, or jealousy of the London merchants, or for some other reason, is not clear. Fortunately, the meeting of Parliament

¹⁰ *Jour. Ho. Com.* xi. 401.

¹¹ Letter from William Paterson to the Lord Provost of Edinburgh, *Dar. Pap.* 6.

¹² Narcissus Luttrell, *Brief Historical Relation*, iii. 503.

¹³ *Ibid.* 518.

¹⁴ *Ibid.* 522.

was postponed from time to time.¹⁵ But preparations for the King's arrival continued daily.¹⁶ His coming meant the opening of Parliament.

On the 19th of September Paterson wrote: 'We find ourselves daily more and more obliged by the constitution of affairs to press the coming of those persons who shall be deputed from you, the reasons still increasing for us to get our business here despatched before the approaching sessions of Parliament.'¹⁷

Enemies of the Company were industriously spreading abroad rumours that some of the persons concerned in the Company spoke contemptuously of the ability of the English government to restrain the new project. Whereupon the promoters, at a meeting on the 26th of September, ordered the members of the Company, upon all occasions, to speak with due respect of the English government.¹⁸

Little business could be done while they were waiting for the arrival of the members from Edinburgh. Yet apparently some of the Edinburgh patentees were still of the opinion that the business could be transacted by correspondence; or else that some of the London promoters should go to Scotland.¹⁹ This was out of the question. Furthermore, the King had now arrived.²⁰ So they wrote through Paterson: 'We must now tell you that if you neglect coming up by a few days after this comes to hand it will endanger the loss of the whole matter.'²¹ But the King went off to the races at Newmarket, where a horse of his won one of the big events.²² He then proceeded to enjoy the hospitality of his nobles at a few house parties before Parliament should open late in November.²³

Thus relieved for the present, the London promoters decided, on the 22nd of October, to begin to take subscriptions in a fortnight, and to fix the capital of the Company at £600,000 sterling.²⁴ While waiting for the arrival of the dilatory Scots, they

¹⁵ Narcissus Luttrell, *Brief Historical Relation*, iii. 524, 526.

¹⁶ *Ibid.* 524, 525, 526, 530, 532.

¹⁷ Letter from William Paterson to the Lord Provost of Edinburgh, *Dar. Pap.* 7.

¹⁸ *Jour. Ho. Com.* xi. 401.

¹⁹ Letter from William Paterson to Scots patentees, *Dar. Pap.* 8.

²⁰ Narcissus Luttrell, *Brief Historical Relation*, iii. 536.

²¹ Letter from Wm. Paterson to Scots patentees, 15 Oct., *Dar. Pap.* 8.

²² Narcissus Luttrell, *Brief Historical Relation*, iii. 537, 540.

²³ *Ibid.* 536, 537, 541, 542.

²⁴ *Jour. Ho. Com.* xi. 401.

proceeded, on the 24th of October to decide, provisionally, that the government of the Company should rest in a court of directors, consisting of the twenty patentees, and thirty other proprietors. These last were each to hold at least 1000 pounds in their own name, and the proxies of 18,000 pounds more. By the 29th of October the 300,000 pounds assigned to England had been over-subscribed.²⁵

This stimulated the English East India Company to enlarge their own capital.²⁶ Money was so plentiful they raised an additional £125,000 in less than three weeks.²⁷ The Scots Company, however, had other troubles.

The Edinburgh patentees seemed to have distrusted Paterson and his London friends from the very beginning. They were slow in answering letters from London, careless in forwarding necessary documents, and reluctant to acknowledge, by sending delegates to London, that the seat of the enterprise was not in Scotland. Perhaps, too, they realised that the Londoners had little expectation of Scotland's being able to carry on the enterprise alone. They were undoubtedly jealous of the great London merchants, although they themselves had had little or no experience in large mercantile undertakings.

Realising the necessity for action, the London promoters continued to make provisional arrangements for the establishment of the Company. On the 3rd of November they selected an office, and agreed that all subscribers be obliged to pay down one quarter part of their subscription. They drew up a preamble, which declared that, inasmuch as Paterson had been at great expense in making discoveries in both the Indies, and likewise in procuring privileges from foreign powers which were to benefit the Company, he was to receive two per cent. of the money to be subscribed for the said capital fund, as well as three per cent. of the profits for twenty-one years; that the management of the Company was to rest in the court of directors; and, finally, that the persons named in the Act were to be a complete court until others were added. This was dated London, the 6th of November, 1695.²⁸

Apparently the three delegates arrived from Edinburgh on the 9th of November, for on that date the minutes read for the first time, 'at a meeting of the Company of Scotland Trading to Africa and the Indies.' They had previously read, 'at a

²⁵ *Ibid.* 402.

²⁶ Narcissus Luttrell, *Brief Historical Relation*, iii. 544.

²⁷ *Ibid.* 553.

²⁸ *Ho. of Lords MSS.*, ii. 15.

meeting of the gentlemen concerned in the Company, etc.²⁹ Their first business was to correct the names of the two London merchants which had been incorrectly spelled in the Act; their next, to approve the selection of Roderick Mackenzie as secretary. The Scots directors were surprised at the greatness of the proposed capital, but were satisfied by the reasons given, which Paterson was requested to put in writing, and transmit to Scotland, together with the proceedings of the Company. Upon examining the minutes of previous meetings, all were declared and confirmed to be the sense of the Company, excepting the resolution concerning the court of directors, which was to be further considered. This was on Saturday.

On Monday evening the Company met again. The management and constitution of the Company were discussed, but no decision was reached.

The English East India Company first took official cognizance of the existence of the Scots Company by voting, the 11th of November, that no member of their Company could be concerned with the Scots without breaking his oath to the English Company.²⁹ They also petitioned the King to grant them his gracious assistance.³⁰ He had now returned from his progress and was entertained on Wednesday evening by fireworks in St. James Square, which, says Luttrell in his diary, 'were very fine.'³¹

The Scots met again on Thursday, the 14th, when it came out that some of the patentees in Scotland might decline being directors in such a large company. Accordingly it was resolved that the subscribers there have an opportunity to appoint substitutes in places of those named in the Act.³² On November 15th the deputies from Scotland made further objections to the preamble of the subscription book, but appear to have been satisfied by Paterson's explanations; and on the 18th the preamble was confirmed. A second meeting was held in the evening when, pursuant to the preamble, two new directors were admitted after producing proxies representing £20,000 of stock each. On Wednesday four more directors were admitted, and a Committee of Treasury was appointed to examine the notes of the subscribers who had not paid cash. It is characteristic of the good business policy of the London directors that a majority,

²⁹ MS. East India Company's Court Book, No. 37, folio 38A.

³⁰ Narcissus Luttrell, *Brief Historical Relation*, iii. 550.

³¹ *Ibid.* 550.

³² *Jour. Ho. Com.* xi. 402.

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and a quorum, of the first committee to be appointed, consisted not of the old directors but of the new ones, men who had been appointed directly by the stockholders exercising their right of proxy. For the present they acted as a kind of executive committee.³³

On the 22nd of November, at a meeting of the directors, two others were admitted, and the subscription book was declared closed, as the complete sum of £300,000, being that half of the capital destined for England, had been taken up.³⁴ The books were closed in the nick of time, for Parliament assembled this very day.³⁵ While the necessary business connected with its opening occupied the new Parliament and engrossed its attention, the directors proceeded to establish the Company more firmly in London.

On the day of the opening there appeared a little four-page pamphlet entitled, 'Some Considerations upon the late Act of the Parliament of Scotland for Constituting an Indian Company.' It bears the earmarks of Paterson's work. It was a very clever attempt to fend off impending danger to the Company by calling the attention of the English nation to the fact that the best way to keep ahead of the Scots was to make their own trading laws less stringent and not, as many proposed, to attack the new Company.³⁶

On the 25th, two new directors were admitted and a committee was appointed to secure permanent offices for the Company. Here again the directors who represented stockholders were in the majority on the committee. At the next meeting, Nov. 27th, it was agreed that all the directors, officers, and servants of the Company should take an oath *de fidei*, as enjoined by the Act. At this time also a motion was made to send some ship or ships to the East Indies to secure a settlement for the Company. It was further proposed that such parts of the capital as were not needed for immediate use be loaned at high rates of interest upon unquestionable security on notes payable two days after demand.

³³ From now on the minutes bear the superscription, 'At a Court of Directors of the Company of Scotland Trading to Africa and the Indies' (*Jour. Ho. Com.* xi. 403).

³⁴ *Jour. Ho. Com.* xi. 403.

³⁵ Narcissus Luttrell, *Brief Historical Relation*, iii. 554.

³⁶ *Some Considerations upon the late Act of the Parliament of Scotland, for Constituting an Indian Company. In a Letter to a Friend.* London, 1695. A copy is in the British Museum.

These proposals were further considered on Friday, the 29th of November. The form of the oath was taken into consideration and approved, and signed by all the directors then present. This oath declared that during his term of office the juror would not disclose anything that was given him to be kept secret, but would endeavour to the utmost of his power to promote the Company's interests. The matter of sending ships to the East Indies, and the proposal to start a small banking business were referred to a new Committee of Trade. This committee consisted of nine directors, of whom only one besides Paterson was a charter member. Either the promoters of the Company were losing control, or else thought it advisable to allow representatives of the stockholders to have a free hand in directing the Company's affairs.³⁷

The most interesting feature of this meeting, however, was the formal renunciation and release by Paterson of the royalty which had been guaranteed him in the preamble to the subscriptions. In the release he stated that it was done 'for divers good causes and considerations.' He declared orally that, as he had the satisfaction of seeing himself vested with the legal right to these royalties, and as the majority of the Court consisted of men in whose justice and gratitude he had confidence, he was resolved 'to take hold of so glorious an opportunity of showing the generosity of his heart.' He also stated that he had insisted upon the two per cent. in hand, and the three per cent. of the profits in the preamble of subscriptions, not because of any doubt that he had had in the justice and generosity of the Company, but because of the ingratitude he had met with from others, and because he had spent nearly £10,000 of his own and other men's money, besides 'ten years' pains and travel, six whereof were wholly spent, in promoting the design of this company.' This sounds very noble and generous, but sixteen years later, when struggling to have Parliament recoup his losses, he stated that his release 'was only given in trust.' He pleads that: 'Soon after completing the Subscriptions in London the Parliament met, about which time the Clamours were so great against this Company and the Proceedings thereof, that Ruin was threatened to those who were concern'd; and among other insinuations, it was confidently pretended, That the two per Cent. Premium was already receiv'd, and divided amongst several great Men, who procur'd the Act of Parliament, for constituting the Company.

³⁷ *Jour. Ho. Com.* xi. 404.

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Tho' those concern'd well knew that all this was utterly False and Groundless, yet considering the impending Danger, they intreated, and prevail'd with the Petitioner, on the 29th of November, 1695, being the very last Day of their meeting in London, to execute this Release, with Promise, it should be only in Trust, and never us'd against him, as in effect it never hath.' ³⁸

It was true that Parliament had already met, and that great clamours were arising against the Company, but it was not true that the 29th of November was the last day of their meeting in London. However, this is a small point, and one on which he was more likely to be mistaken after the lapse of sixteen years than the fact that in issuing his release he had yielded to great pressure and the unhappy circumstances of the time.³⁹ Probably there is a measure of truth in both accounts, and that, while it had been practically essential that he should make this release, he was really glad to do so by way of showing his confidence in the future of the Company and the honesty of the directors.

Although the House of Lords had a long debate over the Scots Act on the 3rd of December, the directors of the Company met on the 4th and resolved to fit out 'with all convenient speed' one or more ships to trade from Scotland to the East Indies.⁴⁰ There were twenty directors present, and there is nothing in the minutes to indicate any fear of immediate dissolution. The next meeting of the directors was on December 6th. After hearing the reports of committees, they went into such minute details as to take notice of the fact that many of the directors came late to the meetings, and caused the others to lose time. They decided what fines must be paid for tardiness. They even took the trouble to determine which clock should determine whether a member were late or not. This triviality was the last recorded act of the London directors.⁴¹ They adjourned to meet on the following week, but by that time they were in the toils of the Parliamentary investigation. In fact, on the very next day the Lords ordered seven of those who had been named in the Act to appear before the bar of the House on December 9th.⁴²

So ended the attempt to organise the Company in London.

³⁸ *State of Mr. Paterson's Claim upon the Equivalent*, 1712, p. 54.

³⁹ *Ibid.* 54.

⁴⁰ *Jour. Ho. Com.* xi. 405.

⁴¹ *Jour. Ho. Com.* xi. 405.

⁴² *Jour. Ho. Lords*, xv. 607.

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The investigation carried on by the English Parliament effectually changed the history of the enterprise. The London merchants, whose efforts had started the Company and given it form, were destined to have little say in its affairs. The account of their proceedings is interesting chiefly because it shows what the Company was intended to be and what it might have become. Directed by men accustomed to the ways of the world and versed in the intricacies of large commercial undertakings, the Company would probably have followed the legitimate lines of trade and not have staked their all on that vague chimera—the Darien Scheme.

The question of the organisation in London has either been overlooked or misunderstood by most writers. Macaulay and others, following Dalrymple, have misplaced this episode entirely, making it follow the organisation in Edinburgh.⁴³ Although the minutes of the London meetings of the directors have long been printed in the Commons' Journals, no one seems to have made any use of them.⁴⁴

HIRAM BINGHAM.

⁴³ Macaulay, *Hist. of Eng.* viii. 211.

⁴⁴ A paper on the 'Investigation by the English Parliament into the affairs of the Scots Darien Company' to appear in the July number of the *Scottish Historical Review* will conclude this series.

The 'Scalacronica' of Sir Thomas Gray

The Reign of Edward I. as chronicled in 1356 by Sir Thomas Gray in the 'Scalacronica,' and now translated by the Right Hon. Sir Herbert Maxwell, Bart., continued.

AT this time the Count of Flanders was captured at Béthune and kept in prison by the King of France; wherefore the commons of Flanders made war upon the French, and on St. John's day at midsummer they fought with the power of France at Courtrai, where the Comte d'Artois and several other French counts and barons met their death through pride and arrogance, because they charged the Flemings in their trenches.¹ Enraged at this, the King of France laid siege to Lille with all his forces. The Flemings sent to King Edward of England to ask for help, which king was aged and in bad health and his treasure spent in his wars with Scotland, in which his people were so deeply involved² that he could interfere to no good purpose. Who [nevertheless] willingly undertook to aid them, [and] adopted a stratagem, causing a letter to be forged [as if] from the *eschevins* of Ghent to himself which was expressed thus :—

'To their redoubtable lord, the King of England, his humble servants of Ghent [present] all honours and services.

'Forasmuch we think it will be agreeable to your nobility to hear the joyous news of the well-being of our Lord the Count of Flanders, your ally if you please, please your highness to understand that we have purchased to our [cause] a pretty large conspiracy of private and powerful people in the King of France's army, who have covenanted with us under sufficient surety to take

¹ The date of this 'Battle of the Spurs' is wrongly given. It was not fought on St. John's Day (24th June), 1304, but on 11th July, 1302. *En tour fossez.* It is doubtful whether these *fosses* were military entrenchments or the existing ditches of the country. I incline to think that they were defensive works constructed for the occasion; like Bruce's pits at Bannockburn.

² *Enlacez.*

the king out of his tent within these fifteen days, and to send him to us at a certain fixed place¹ to be exchanged with our said lord.

'May it please your very excellent lordship to keep this matter secret, and to aid and defend, sustain and govern, your humble adherents² if they should require assistance when the aforesaid business is accomplished, which cannot well fail and will tend greatly to the increase of your estate. Which [things] we hope to perform, for if they are not done one day, they cannot fail on another; of so much we are certain.'

King Edward took this letter, and one day when he rose from bed with his wife the Queen, who was sister to the King of France, and was at that time in Kent, he pretended to search in his purse for letters, then left this [forged] letter lying on his wife's bed, and went off to chapel to hear mass. The Queen perceived the letter, which she took and read and replaced. In the middle of the mass the King returned hastily to the Queen's chamber, asking impatiently³ and abruptly whether anybody had found a letter; went to the bed, found the letter, snatched it up, folded it up with satisfaction, and departed quickly without saying more. The Queen, who had read the letter, noticed the King's countenance, and, being in great fear and sorrow lest her brother should be betrayed in this manner by villains, caused secret letters to be written to her brother the King of France [containing] all the substance of that letter, and warning him to be on his guard. These letters were despatched, and as soon as the King of France had seen the contents of his sister's letters, he departed from the siege that very night. And thus craft availed, which is often of great use when force is wanting. This happened after [the feast of] St. Michael.⁴ And later in the same summer the King of France collected an army, re-entered Flanders, and, on the same St. John's Day, one year after the battle of Courtrai, the Flemings were defeated at Mons-en-Pévele⁵ and their leader, William de Juliers, who was brother to the Count of Juliers, was slain. After which the Count Robert [of Flanders] was released from prison under an arrangement that the three cities of Flanders which were on the frontier of France should belong to the King of France, [namely] Douai, Lille and Béthune.

At this same time Robert de Brus, Earl of Carrick, who

¹ *A certain lieu limite.*

² *Voz simples enherdauntz.*

³ *Irrousement.*

⁴ 29th September.

⁵ *Mouns en Paiwer*, i.e. Mons, capital of the province of Hainault, called Mons-en-Pévele, anciently written Mons-en-Pévre.

retained a strong following through kinsmanship and alliance, always hoping for the establishment of his claim of succession to the realm of Scotland, on the 4th of the kalends of February in the year of grace 1306¹ sent his two brothers, Thomas and Neil, from Lochmaben to Dalswinton to John Comyn, begging that he would meet him [Robert] at Dumfries at the [church of the] Minorite Friars, so that they might have a conversation. Now he had plotted with his two brothers aforesaid that they should kill the said John Comyn on the way. But they were received in such a friendly manner by the said John Comyn that they could not bring themselves to do him any harm, but agreed between themselves that their brother himself might do his best. The said John Comyn, suspecting no ill, set out with the two brothers of the said Robert de Brus in order to speak with him [Robert] at Dumfries, went to the Friars [Church] where he found the said Robert, who came to meet him and led him to the high altar. The two brothers of the said Robert told him secretly—'Sir,' they said, 'he gave us such a fair reception, and with such generous gifts, and won upon us so much by his frankness, that we could by no means do him an injury.'—'See!' quoth he, 'you are right lazy: let me settle with him.'

He took the said John Comyn, and they approached the altar.

'Sir,' then spoke the said Robert de Brus to the said John Comyn, 'this land of Scotland is entirely laid in bondage to the English, through the indolence of that chieftain who suffered his right and the franchise of the realm to be lost. Choose one of two ways, either take my estates and help me to be king, or give me yours and I will help you to be the same, because you are of his blood who lost it, for I have the hope of succession through my ancestors who claimed the right and were supplanted by yours; for now is the old age of this English King.'

MS.
fo. 202^b

'Certes,' then quoth the said John Comyn, 'I shall never be false to my English seigneur, forasmuch as I am bound to him by oath and homage, in a matter which might be charged against me as treason.'

'No?' exclaimed the said Robert de Brus; 'I had different hopes of you, by the promise of yourself and your friends.'

¹ According to the fourteenth century calendar the year should have been 1305.

You have betrayed me to the King in your letters, wherefore living thou canst not escape my will—thou shalt have thy guerdon !’

So saying, he struck him with his dagger, and the others cut him down in the middle of the church before the altar. A knight, his [Comyn’s] uncle,¹ who was present, struck the said Robert de Brus with a sword in the breast,² but he [Bruce] being in armour, was not wounded, which uncle was slain straightway.

The said Robert caused himself to be crowned as King of Scotland at Scone on the feast of the Annunciation of Our Lady³ by the Countess of Buchan, because of the absence of her son, who at that time was living at his manor of Whitwick near Leicester, to whom the duty of crowning the Kings of Scotland belonged by inheritance, in the absence of the Earl of Fife,⁴ who at that time was in ward of the King in England. The said Countess this same year was captured by the English and taken to Berwick, and by command of King Edward of England was placed in a little wooden chamber⁵ in a tower of the castle of Berwick with sparred sides, that all might look in from curiosity.

King Edward of England, perceiving the revolt that Robert de Brus and his adherents was making in Scotland, sent thither Aymer de Valence, Earl of Pembroke, with other barons of England and several Scottish ones, descended from the blood of John Comyn, who all set themselves against the said Robert de Brus. The said Earl of Pembroke went to the town of Perth⁶ and remained there for a while. Robert de Brus had gathered all the force of Scotland which was on his side, and some fierce young fellows easily roused against the English, and came before the town of Perth in two great columns, offering battle to the said earl and to the English. He remained before the said town from morning until after high noon. The said Earl of Pembroke kept quite quiet until their departure, when, by advice

¹ Sir Robert Comyn, whom Barbour calls ‘Schir Edmund.’

² *Hu pice*: apparently the same word as *pix*, which de Roquefort gives as *poitrine, estomac, pectus*.

³ 25th March, whereas the coronation actually took place on 29th March, 1306.

⁴ It was the hereditary office of the Earls of Fife. The Countess of Buchan was sister to the Earl of Fife, who at that time, like her husband, was in the English interest.

⁵ *Mesourceaux de fust*.

⁶ *La vile de Saint Johan*.

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of the Scottish lords who were with him in the town, friends of John Comyn and adherents of the English—the lords de Moubray, de Abernethy, de Brechin and de Gordon, with several others—he [Pembroke] marched out in two columns. Their Scottish enemy had decamped, sending their quarter-masters¹ to prepare a camp at Methven; they formed up as best they could and all on horseback attacked the said sortie; but the Scots were defeated. John de Haliburton caught the reins of the said Robert de Brus, and let him escape directly that he saw who it was, for he [Brus] had no coat armour, only a white shirt. Thomas Randolph, nephew of the said Robert de Brus, he who was afterwards Earl of Moray, was taken at this same battle of Methven,² and was released at the instance of Adam de Gordon, and remained English until at another time he was retaken by the Scots.³

Robert de Brus, most of his following being slain or captured at this battle of Methven, was pursued into Cantyre by the English, who invested the castle of the said country, thinking⁴ that the said Robert was within it, but upon taking the said castle they found him not, but found there his wife, a daughter of the Earl of Ulster, and Niel his brother, and soon after the Earl of Athol was taken, who had fled from the said castle.⁵ The said Niel, brother to the said Robert de Brus, with Alan Durward and several others, was hanged and drawn by sentence at Berwick, and the wife of the said Robert was sent to ward in England. The Earl of Athol, forasmuch as he was cousin of the King of England, [being] the son of Maud of Dover his [Edward's] aunt, was sent to London, and, because he was of the blood royal, was hanged on a gallows thirty feet higher than the others.

In the same year⁶ the King made his son Edward, Prince of Wales, a knight at Westminster, with a great number of other noble young men of his realm, and sent him with a great force

¹ *Herbisours*.

² Sunday, 26th June, 1306.

³ On the Water of Lyne, in 1309.

⁴ *Quidantx*: omitted in *Maitland Club Edition*.

⁵ *Qi de dit chastel fu fuiz*, misrendered in *Maitland Club ed.*, [*au*] *le dit chastel*. Gray's statement is incorrect. Athol did not go to Dunaverty with the King. Bruce sent his Queen Elizabeth, his daughter Marjorie, his sister Marie, and the Countess of Buchan, under charge of his brother Niel or Nigel, and the Earl of Athol, to Kildrummie Castle in Aberdeenshire, where they were taken by the Prince of Wales in September.

⁶ A.D. 1306.

to Scotland with all these new knights. Thomas Earl of Lancaster and Humfrey de Bohun Earl of Hereford, passing through the mountains of Scotland, invested the castle of Kildrummie and gained it, in which castle were found Christopher de Seton with his wife, the sister of Robert de Brus, who, as an English renegade, was sent to Dumfries and there hanged, drawn and decapitated, where he had before this caused to be slain a knight, appointed sheriff of a district for the King of England.¹ The Bishops of Glasgow and St. Andrews and the Abbot of Scone were taken in the same season and sent to ward in England.

Piers de Gaveston was accused before the King of divers crimes and vices, which rendered him unfit company for the King's son, wherefore he was exiled and outlawed.

MS.
fo. 203^b In the year of Grace 1306 King Edward having come to Dunfermline, his son Edward Prince of Wales returned from beyond the mountains, and lay with a great army at the town of Perth. Meanwhile, Robert de Brus having landed from the Isles and collected round him a mob in the defiles of Athol, sent a messenger having a safe conduct to come and treat, to arrange for a treaty of peace with the said son of the king. He came to the bridge of the town of Perth, and began negotiation in order to ascertain whether he could not find grace, which parley was reported to the King at Dunfermline on the morrow.²

He was almost mad when he heard of the negotiation and demanded:

'Who has been so bold as to attempt treating with our traitors without our knowledge?' and would not hear speak of it.

The King and his son moved to the Marches of England. Aymer de Valence remained the King's lieutenant in Scotland. Robert de Brus resumed [his] great conspiracy; he sent his two brothers Thomas and Alexander into Nithsdale and the vale of Annan to draw [to him] the hearts of the people, where they

¹ There seems to be some confusion here between Sir Christopher de Seton, who certainly was hanged at Dumfries, as his brother Sir Alexander was at Newcastle, and John de Seton, also hanged at Newcastle, for having captured Tibbers Castle in Dumfriesshire, and making captive Sir Richard de Siward, Sheriff of that county.

² This is an error. King Edward did not cross the Border in 1306, but remained ill in the North of England. Bruce landed at Turnberry in February or March, 1306-7, but there is no evidence to confirm Gray's statement that he attempted to open negotiations.

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were surprised by the English and captured,¹ and taken by command of the King to Carlisle, and there hanged, drawn and decapitated. Robert de Brus had assembled his adherents in Carrick. Hearing of this, Aymer de Valence marched against him, when the said Robert de Brus encountered the said Aymer de Valence at Loudoun, and defeated him, and pursued him to the castle of Ayr;² and on the third day [after] the said Robert de Brus defeated Rafe de Monthermer, who was called Earl of Gloucester because Joan the King's daughter and Countess of Gloucester had taken him for husband out of love [for him]. Him also he [Brus] pursued to the castle of Ayr, and there besieged him until the English army came to his rescue, which [army] reduced the said Robert de Brus to such distress³ that he went afoot through the mountains, and from isle to isle, and at the same time in such plight as that occasionally he had nobody with him. For, as the chronicles of his actions testify, he came at this time to a passage between two islands all alone, and when he was in the boat with two seamen they asked him for news—whether he had heard nothing about what had become of Robert de Brus. 'Nothing whatever,' quoth he. 'Sure,' said they, 'would that we had hold of him at this moment, so that he might die by our hands!' 'And why?' enquired he. 'Because he murdered our lord John Comyn,' [said they]. They put him ashore where they had agreed to do, when he said to them: 'Good sirs, you were wishing that you had hold of Robert de Brus—behold me here if that pleases you; and were it not that you had done me the courtesy to set me across this narrow passage, you should have had your wish.' So he MS.
fo. 204 went on his way, exposed to perils such as these.⁴

The aforesaid King Edward of England had remained at this same time exceedingly ill at Lanercost, whence he moved for change of air and to await his army which he had summoned to re-enter Scotland. Thus he arrived at Burgh-on-sands,⁵ and died there in the month of July, in the year of grace 1307, whence he was carried and was solemnly interred at Westminster beside his ancestors after he had reigned 34 years 7 months and 11 days, and in the year of his age 68 years and 20 days.

¹ On the shore of Loch Ryan, 9th February, 1307.

² Battle of Loudoun Hill, May 1307.

³ *Enboterent le dit Robert de Bruys a tiel meschef.*

⁴ All this was antecedent to the Battle of Loudoun Hill.

⁵ *Burch sure le Sabloun.*

This King Edward had by his first wife, the daughter of the King of Castile, but one son who lived. By his second wife, sister of the King of France, he had two sons, Thomas and Edmund. Upon Thomas he bestowed the earldom of Norfolk and Suffolk, with the Marshaldom of England, which earldom and office belonged by inheritance to Roger Bigod, who, having no offspring, made the King his heir, partly for fear lest the King should do him some injury, because there had once been at Lincoln a conspiracy against him [the King] between him [Bigod] and others. To Edmund his younger son he devised in his will 4000 marks of land, to be discharged with his benison by Edward his son and heir, which heir afterwards gave to the said Edmund the earldom of Kent with part of the land bequeathed to him, but the whole of it [the bequest] was not completed before the time of the third Edward. This Edward the First after the Conquest had several daughters; one was married to the Earl of Gloucester;¹ another to the Duke of Brabant;² the third to the Count of Bar;³ the fourth to the Count of Holland, after whose death she was married again to the Earl of Hereford;⁴ the fifth was a nun at Amesbury.⁵

Innocent V. was Pope after Gregory X. for five months.⁶ He was named Peter of Taranto: he was of the Order of Preachers and Master in Divinity. After which Innocent, Adrian V. was Pope for two months.⁷ He had been sent by Pope Clement to England, to settle the dispute between the King and his barons. After which Adrian, John V. was Pope for eight years.⁸ He was originally named Peter, and was a good deal more saintly before than after he attained to his dignity. He willingly promoted great scholars; he hoped for a long life, but suddenly fell from a chamber which he had built at Viterbo and died.

¹ Joan, second daughter, afterwards married Sir Ralph de Monthermer.

² Margaret, third daughter.

³ Eleanor, eldest daughter, married 1st King Alphonso of Aragon.

⁴ Elizabeth, the fifth daughter.

⁵ Mary, fourth daughter.

⁶ A.D. 1276.

⁷ For 36 days only.

⁸ This ought to read; John XX. or XXI. was Pope for eight months, not years. There were four Popes elected successively in 1276, one of whom, Vice-dominus, not mentioned by Gray, died next day. The unsaintly character of John XX. or XXI., commented on by Gray, consisted in nothing more than a love of learning.

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After which John II. [*sic*], John III. was Pope for three years.¹ After which John, Nicholas was Pope,² who ordained Robert de Kilwardby as Cardinal, and Friar John de Peckham, of the Order of Minorites and Master of Divinity as Archbishop of Canterbury. After which Nicholas III., Honorius IV. was Pope for seven years.³ He changed the costume of the Carmelite Friars, which hitherto had been *pale*.⁴ MS.
fo. 204^b

After which Honorius IV., Nicholas IV. was pope for six years.⁵ He was of the Order of Minorite Friars; he declared⁶ the rule of the Minorite Friars. In his time there befel in England, on the eve of Saint Margaret,⁷ such a storm of winter thunder as destroyed the crops, whence came such a time of dearth as lasted almost throughout the life of Edward the First after the Conquest. At this time the taxation of the churches was changed to a higher rate. Celestine V. was pope for three years after Nicholas.⁸ This Celestine was a poor hermit in the desert near Rome, simple in manner, neither learned, nor wise, nor distinguished. A certain cardinal, who desired to govern the Court, or to become pope, yet feared that the College would not elect him, made a pretence, and, after the death of the said Pope Nicholas, told his brother cardinals at the election to the Papacy, that a voice had come to him three times in a vision that they should elect as pope this simple hermit, whose promise he had that he would do nothing without him. The others, believing this to be the inspiration of God, elected him [the hermit] as pope; who knew not how to conduct his estate, whereby the Court fell into great confusion, and they themselves also.⁹

The aforesaid cardinal, who was afterwards named Boniface, allowed him to play the fool, and would not interfere [to maintain] good government, until affairs were in such a mess that

¹ An error: Nicholas III. succeeded John XX. or XXI.

² 1277-1288.

³ 1285-88. Gray reckons him as Pope during the papacy of the French Martin IV., 1280-85.

⁴ Meaning obscure. The Carmelites, or White Friars, always were distinguished by white robes. *Pale* is also an old term for 'cloth.'

⁵ 1288-1292.

⁶ *Declara*.

⁷ 19th July, old style, equal to 30th July, new style.

⁸ The see was vacant two years and three months after the death of Nicholas in 1292.

⁹ *Et ly meismes ensaule*: misprinted *ensaule* in Maitland Club Edit. = *ensemble*.

they were past mending, and then he advised him [Celestine] and compelled him to resign the dignity in his favour, undertaking to provide for his honourable maintenance, to which he consented. The College [also] consented in their folly; elected the other and called him Boniface;¹ who, from the moment he entered into his dignity, took no care for Celestine, but allowed him to return to his former condition, to his wretched hermitage. Which Celestine, as soon as he perceived that he had been cheated, prophesied of Boniface his successor: 'Thou comest in like a fox: thou shalt reign like a lion, and die like a dog.'

Which thing came to pass, for the said Boniface reigned arrogantly; deposed cardinals of the most powerful house in Rome, the family of Colonna, and vehemently opposed the King of France. Wherefore, allying themselves, they seized the said pope and led him out of Rome, with his face turned MS.
fo. 205 to his horse's tail, to a castle in the neighbourhood, where he perished of hunger.²

After which Boniface, Benedict III. of the Order of Preachers, was pope for one year,³ of whom a certain ribald wit said in Latin:

'A re nomen habe—benedic, benefac, benedictē;
Aut rem perverte—maledic, malefac, maledictē.'⁴

Antony de Beck, Bishop of Durham, was constituted Patriarch of Jerusalem, but never entered upon the Patriarchy, but insisted upon living as a noble in his own country.

Clement V. was pope after Benedict for twelve years.⁵ He became enormously rich in treasure, purchased extensive lands, caused great castles to be built, and removed the Court from Rome [to Avignon]. In his time the Templars were dissolved. He caused certain of the decretals, of which he himself was the author, to be revoked, which John, his successor, renewed.

This John II. [*sic*] was pope after Clement, for more than twenty years,⁶ and was a great scholar in Greek, Hebrew, and Latin. He caused great treasure to be amassed, and waged great wars

¹ 1294-1303.

² The town's people rescued him after three days' imprisonment, but he died soon after, 11th October, 1303.

³ Benedict XI., 1303.

⁴ Wrongly printed 'malefacte' in *Maitland Club Edit.*

⁵ 1305-1314.

⁶ John XXII., 1316-1334.

in Lombardy. He willingly advanced great scholars; he condemned pluralities; he reserved for his Camera the first fruits after the death of the prelates; he instituted the matins of the Cross. He lived throughout the time of King Edward the Second after the Conquest, and, after him, during the time of his son, Edward III.

At the end of the reign of Edward the First after the Conquest, and at the beginning of the reign of Edward II., Henry, Count of Luxembourg, was King of Germany and Emperor,¹ who was valiant and chivalrous, and proved himself worthy of the dignity of his three crowns. He bestowed the realm of Bohemia upon his son John, with the King's daughter; which John conquered the said realm and took the city of Prague by assault from those who claimed the right by the other male line.

The said Emperor Henry chivalrously undertook to regain the rights of the empire in Tuscany and Lombardy; wherefore, while he lay before Brescia,² he was poisoned in receiving the body of God by his confessor, a Jacobin, who was hired by the Guelfs, who were in dire terror of his [Henry's] prowess. His physicians, who well perceived what had happened, would have saved him, but he would not cast up his Creator, saying that for fear of death he would never part with the body of God.

After his death there was great dispute about the election to the empire. The Duke of Austria had the votes of some of the electors; Louis, Duke of Bavaria, on the other hand, had the votes of the rest of the electors, by reason of which dispute ^{MS.} fo 205^b the aforesaid seigneurs fought with [all] their force in Swabia. The Bavarian won the victory by the aid of John, King of Bohemia. The said Bavarian assumed the dignity of emperor, and received his three crowns; but the Pope and the Court of Rome were opposed to him; wherefore, at his coronation in Rome, the senators and those of the College who dwelt at the time about the church of SS. Peter and Paul, agreed to elect a new pope, a cordelier, who had the name of Nicholas, alleging as reasons for this that the Court, which by ancient canonical constitution ought to have been at Rome, was [then] at Avignon.

This Nicholas did not persevere long in his office, but, as soon as the aforesaid emperor had returned to Bavaria, put

¹ 1308-1313.

² At Buonconvento, 24th Aug., 1313.

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himself at the mercy of Pope John, who at that time dwelt at Avignon. Wherefore the Court of Rome never accepted the said Bavarian as emperor, who lived all his days under interdict. He lived a good while, but did little in deeds of arms to be recounted. He was very skilful with his hands. He bestowed the Mark of Brandenburg upon his eldest son, as the right of the empire is that such lordships are at the disposal of the emperor in default of heir male. To this same [lord] of Brandenburg he gave the duchy of Carentane and the countship of Tyrol, with the daughter and heiress of the duke. He gave to his younger son, whom he had by the eldest daughter of William, Count of Hainaw, the earldoms of Zeeland, Holland and Hainaw. Another of his sons, le Romer, by the same wife, he caused to marry the daughter and heiress of the King of Cracow. He lived very long in the time of King Edward of England, the Third after the Conquest, as will be afterwards recorded.

(To be continued.)

The Ruthven of Freeland Barony.

IX THE RETURN OF 1740¹

THOSE who have carefully studied the preceding section would, I think, admit that I was absolved from the necessity of replying any further to Mr. Stevenson. I may, however, point out briefly, that as to the return of 1740, his tactics are much the same. Enveloping in a cloud of dust the fact that he cannot disprove my assertions, he ends by announcing my 'defeat.'

Let us see, Mr. Stevenson asks, what can be urged against the authority of this Return, which, by the way, he has to admit '*was in fact, though not in form the Roll of 1707*, with some additions, some omissions, and some qualifying observations,' the Lords of Session having 'deleted only those titles of the extinction of which they had legal evidence' (p. 22). Mr. Stevenson replies:

Mr. Round's argument, which comes first in logical order, is the formal objection that the Report has 'no judicial or official authority.'

Here we have Mr. Stevenson again trying to foist on to me a statement which was not mine, but, as we discover on his next page, Lord Crawford's. I cited with exact references the following passages from Lord Crawford's *Earldom of Mar*:
. . . 'The report possesses no judicial character (II. 27).

I have shown that the report of the Court of Session in 1740 was the work merely of one man, and has no judicial or even official authority' (II. 94).

This is strong and definite enough, and I cannot wonder that Mr. Stevenson does not like it. Half a dozen pages are devoted to arguing that Lord Crawford was guilty of 'inadvertency and misconception,' that he 'wrote hastily,' and so forth, in the midst of which we read as usual of 'Mr. Round's next statement that the report was the work of one

¹ See *Scottish Historical Review*, vol. iii. p. 194.

man,' a statement which I nowhere make, and which is merely found in the quotation from Lord Crawford's work.

And at the end of it all what do we find? That my above quotation from Lord Crawford is perfectly accurate—which is all that concerns me.

And now as to Riddell. I stated in my original article, that 'Riddell had been reluctantly compelled to admit that it contains "inadvertencies and misconceptions."' Why 'reluctantly,' Mr. Stevenson enquires twice over with affected surprise? Well, I need hardly observe that anyone who is familiar with Riddell's volumes knows how fiercely he maintained the authority of the Lords of Session as 'the natural *Forum* in such matters' (p. 646), so that he was not likely to disparage their Report if he could help it.

Mr. Stevenson says that he cannot find the words 'inadvertencies and misconceptions,' and unfortunately I did not give the page reference for them. They occur where we should expect them as preceding his important paragraphs headed :

Roll since the Union inaccurate, and not properly adjusted.

Prejudicial consequences from this, and want of form in Scottish Peers instructing their right of succession.

No proper remedy enforced, or proper Peerage Roll made.

For Mr. Stevenson these headings can hardly be pleasant reading.

I will now quote from Riddell's remarks:

The House of Peers . . . ordered a reprint of the Report of the Lords of Session in 1740 . . . which, with some good remarks, contains *inadvertencies and misconceptions*, etc., etc.

There was, it must be admitted, great necessity for these steps. . . . The Roll of the Scottish Peers adopted since the Union being *inaccurate and carelessly adjusted*. . . .

Owing therefore to all titles, with the sole exception of those forfeited, being retained in the existing, or what is styled the Union Roll, *whether assumed or extinct*, although it has been altered and augmented by the insertion of others under the authority of the Lords, successfully claimed since the Union,—the *unrevised and exceptionable state and condition of that Roll*, and want of a peremptory form and due establishment of Peerage rights, upon the demise of a Peer and accession of his heir,—while farther still, the preceding measures of the House of Lords have proved *irremedial*,—it has been practicable for anyone, though a mere stranger, to answer and vote, under some *vacant* dignity, at Peerage Elections (pp. 643-5).

I hope that if Mr. Stevenson should attempt to dispose of these assertions, so fatal to his whole argument, he will at

least refrain from describing them as 'Mr. Round's statements.'

And I may add that the view that there was no proper adjustment or revision of the Union Roll in 1740 would appear to be confirmed by the statement of Lyon (Mr. Burnett) to the Lords' Committee in 1882 that 'there was no readjustment of the Union Roll' on that occasion.

X THE CONDUCT OF THE FAMILY

Before dealing with the subject thus headed by Mr. Stevenson, I would repeat a passage in my original paper to which he does not allude :

I must not close this essay without emphatically observing that it is not intended to cast the least blame, or to make any unfavourable reflection whatever on the conduct of the descendants of those by whom the honours were assumed (p. 186).

Having said this much, on which I there further insisted, I will now address myself to the point on which Mr. Maitland Thomson decides emphatically against me :

The accusation of *mala fides*, founded on the recorded action of the early holders of the title, is here thoroughly investigated and triumphantly refuted. Rightly or wrongly, Baroness Jean and Baroness Isabel assumed the title without hesitancy and used it without vacillation. Against the former there is nothing but the phraseology of her Testament Dative, for which she clearly could not be responsible (p. 106).

Again I call a halt. I am absolutely certain that Mr. Maitland Thomson is anxious to be strictly fair ; but he has been here not unnaturally misled by accepting as fact Mr. Stevenson's triumphant assertion. The latter writer does indeed assert that 'of the lady's vacillations, so extremely difficult to prove, only one of Mr. Round's proofs, the *third*, remains,' namely, her Testament Dative. But if Mr. Maitland Thomson will look again at Mr. Stevenson's treatise, he will find that my critic is totally unable to deny the accuracy of my *first*, namely that, twenty years after her brother's death,—

'as if,' says Riddell, 'apprehensive of the scrutiny of the Bench, she, in her petition to the Court of Session, on the 4th of November, 1721, for recording the entail, is only modestly styled *Mrs. Jean Ruthven*' (p 168).

So writes Riddell. Is his statement correct or not? Mr. Stevenson has to admit that *it is*. He tries, indeed, to explain it away, but the fact that he cannot decide which explanation to adopt is eloquent enough of the weakness of his case. The

fact remains that this 'Baroness,' who, in the words of Mr. Maitland Thomson, had 'assumed the title without hesitancy and used it without vacillation,' nevertheless, in so formal a document as her petition to the Court of Session twenty years after her alleged succession to the title, 'is only modestly styled *Mrs. Jean Ruthven*.' The suggestion that on this occasion 'her law-agents were probably different' [!] can only be described as desperate.

Having insisted on this amazing, and to Riddell significant fact, I hasten to add that Mr. Stevenson is quite successful in other corrections of my case here, and is welcome to his exultation thereat. He has shown *firstly* that Baroness Jean could not be responsible for her description as 'Mrs. Jean Ruthven in her Testament Dative,' as I had erroneously supposed; *secondly*, that she is not described, in a deed of assignation of 1721, as 'said Jean Ruthven,' as alleged by me; *thirdly*, that so far from waiting 'some twenty years before she assumed the title, (as Riddell and I supposed), she is styled on the contrary 'Jean, Lady Ruthven,' 10th Dec., 1702.

The second of these corrections reveals an error of which, I venture to hope, few would expect me to be guilty, for Mr. Stevenson tells us that the words are 'said *defunct*,' who is styled elsewhere in the record 'Jean, Lady Ruthven.' The explanation—I can only give it as a warning to others—is that these extracts were made by Mr. Foster's professional searcher and supplied to me through Mr. Foster. It is, I suppose, the only case in which I have ever relied on the usually employed record-agent.

To the Testament Dative I shall have to recur. As to the third and remaining point, we can now at last, thanks to Mr. Stevenson, put together the *facts* as to Jean's use of the title. David, Lord Ruthven, died, Mr. Stevenson tells us (p. 57) in April, 1701. His sister and heir of entail, Jean—

(1) 'is styled *Jean, Lady Ruthven*' in a notarial instrument of sasine and a bond, 10th Dec., 1702 (p. 57);

(2) is made executor dative to her brother, 4th Jan., 1703 (*sic*) 'under the title of "*Mrs. Jean Ruthven*"' (p. 60);

(3) 'styles herself' *Jean, Lady Ruthven* in a discharge of an annual rent, 12th Nov., 1709 (p. 57); is also so styled in an instrument of sasine, 26th Jan., 1712 (*sic*); is also so styled when served heir to her brother in the Sheriff Court of Perth, 9th Sept., 1721 (p. 58);

(4) petitions the Court of Session, 4th Nov., 1721 (*i.e.* after being so served) as *Mrs. Jean Ruthven*.

This is how she 'used' the title 'without vacillation,' in Mr. Maitland Thomson's words.

The most important evidence in favour of Jean's right is, I gather, her service; for Mr. Stevenson is good enough to say of me that

The suggestion is ridiculous that a person in Scotland might assume what designation he chose in such a process whether he was entitled to it in law or courtesy or in neither. The proceedings, unless in a competition of heirs, were *ex parte*, but they were conducted publicly and formally, and the members of the jury were by statute personally liable for their error.

Surely Mr. Stevenson cannot be ignorant that twelve years later George Durie of Grange, whose assumption of the Rutherford title and voting in right of it (1733) he does not attempt to defend, was served 'heir of line, entail, and of provision' of Andrew, Earl of Teviot, as '*George, Lord Rutherford*,' 1st Nov., 1733,¹ in spite of the fierce contest for that title. Surely he knows that the Colville of Ochiltree claimant, denounced on all hands, obtained in 1784 a retour finding that he was first cousin and heir-male of Robert, the third Lord Colville of Ochiltree, although such finding was afterwards proved, in 1788, to have been wholly without foundation.² Need I adduce further instances?

So much for this vaunted evidence and for my 'ridiculous' attempt to minimise it.

Jean was succeeded in the family estates, under her brother's entail, by her nephew, Sir William Cunyngham, in April, 1722. As to him there is no question. It is admitted that—as was stated in my original article—he, 'though now both heir of line and of tailzie, *made no attempt to assume the title*' (p. 169). Mr. Stevenson writes that he

succeeded his aunt Jean Ruthven in April, 1722, under the entail of his uncle David, and assumed the surname of Ruthven. *Whether he succeeded to the peerage as well is not known.*³ He certainly did not assume the title (p. 4).

To this we may now add that he gave up his aunt's testament dative as that, not of 'Jean, Lady Ruthven,' but of 'Mrs. Jean Ruthven.'

To account for the facts Mr. Maitland Thomson suggests

¹ Riddell, *op. cit.* p. 902.

² Robertson's *Peerage Proceedings*, pp. 459 *et seq.*

³ The italics are mine.

a theory which I shall discuss, but for the present I will only note Mr. Stevenson's admission here that it was possible to succeed and assume the surname of Ruthven under the entail without succeeding to the peerage.

Beyond the fact that Sir William only survived his succession six months, I cannot find any explanation vouchsafed of his failure to assume the title, which was promptly assumed by his immediate predecessor and successor.¹ Mr. Stevenson writes :

Sir William Cunynghame succeeded in April, 1722, to the entailed estates. According to the unknown terms of the patent he did or did not succeed to the title and honour at the same time. But Mr. Round assumes (1) that if the title existed it was Sir William's . . .

How unwarranted the first of Mr. Round's assumptions is, I have already shown (p. 63).

He has not even attempted to show anything of the kind. The defenders of this assumption have all been agreed that, whatever the limitation was in the patent, Sir William must have inherited under it, for he was heir of line as well as heir of tailzie.

Mr. Stevenson asserts that I 'must at any rate have been aware of the case of Somerville' among 'more notable omissions to assume honours.' Surely he cannot be ignorant that the failure to assume that title was due to a doubt whether it should descend to the heir male or the heirs of line, and that when this doubt was removed by a single person becoming heir in both capacities, he successfully claimed the peerage. And thus this instance tells against, rather than for, Mr. Stevenson.

With regard to Sir William's successor in the entailed estates, Isobel, wife of Colonel James Johnston, she, as Lady Ruthven, gave up the will of her predecessor as that of 'Sir William Ruthven *alias* Cunyngham.' I desire to draw special attention to what Mr. Maitland Thomson asserts of the two 'Baronesses' :

Rightly or wrongly, Baroness Jean and Baroness Isobel assumed the title without hesitancy, and used it without vacillation. Against the former there is nothing but the phraseology of her Testament Dative, for which she clearly could not be responsible; against the former [? latter] only a series of unverified quotations, which proved to be misquotations, of the Commissariat Records (p. 106).

Mr. Maitland Thomson, who bases on this a verdict here

¹ His aunt, Mr. Stevenson insists, had assumed the title many years before she was served heir to her uncle in the Ruthven estates.

against me, is (as I have already said) anxious, I am sure, to be fair; but we have seen how he was misled by Mr. Stevenson's song of triumph into supposing that Baroness Jean's petition to the Court of Session as 'Mrs. Jean Ruthven' had been somehow got rid of, although Mr. Stevenson could not, as a fact, deny this evidence.

We now find that he has been similarly misled by Mr. Stevenson's boast that the case, so far as Isobel is concerned, 'has, in its turn, broken down at the touch.' For, among my 'misquotations' from the Commissariat Records, I alleged that 'more than three years' after assuming the title 'she gave up under the humble style of "*Mrs. Isabel Ruthven*" the "additional inventory of her aunt"' (p. 169). Is this the fact or not? Mr. Stevenson has to admit that *it is*, although the fact is smothered in his attempts at explaining it (pp. 67-8). 'It may have been,' is one of these, 'that the Ruthven family lawyers were old-fashioned.' Is that why they would not risk styling their employer a Peeress?

'Of James, Lord Ruthven,' Isabel's son and heir, I may repeat, from my original article, that he gave up his aunt's Testament Dative (see my quotation there from the Commissariat Records), 'not as James, Lord Ruthven, but as "James Ruthven of Ruthven, Esquire," and was served heir (in special) to his uncle¹ David three months later (9th Dec., 1732) under the same humble designation' (p. 170). As he cannot deny these facts, Mr. Stevenson boldly writes:

It will be observed that where, rightly or wrongly, he preserves his 'humble designation' of James Ruthven of Ruthven in his appointment as executor on his mother's estate, and in his service as heir-special to his grand uncle David, he is but following a general custom of former members of his family (p. 69).

'Former members of his family!' Why, his mother had given up her predecessor's Testament Dative under the peerage style of 'Lady Ruthven,' and her aunt Jean had been served heir in special to her brother David as 'Lady Ruthven' only twelve years before James was served heir to him as a plain Esquire! Nay, Mr. Stevenson rebuked my ignorance for not attaching sufficient importance to the formal recognition by that service of Jean's right to the title. And yet he dwells at great length (pp. 69-71) on the learning and the special know-

¹This is a slip of mine for *great-uncle*, as my chart pedigree shows.

ledge of the jurors responsible for the service of James (Johnston) Ruthven as a plain commoner.

Need I pursue his contradictions further?

XI WHAT WAS THE LIMITATION?

In spite of his assumed confidence, in spite of his peans of triumph, we find that Mr. Stevenson, from the very outset, is conscious of the fatal flaw in the hopeless case he has espoused. Again and again have I challenged my opponents to agree upon any conceivable limitation consistent with the known facts, if the Ruthven assumption has been valid. This, surely, is the first step, the least we have a right to expect. If, as they insist, there is no evidence as to what the limitation was, the whole range of possible limitations known to the peerage law of Scotland is at their disposal to select from; they have only to choose the one which suits them best.

And yet so keen is their consciousness that no conceivable limitation can be made to serve their purpose, that nothing can induce them to adopt one.

Mr. Stevenson must be well aware of the stress I lay upon this point, for on it in my original article (1884) I insisted in italic type and at exceptional length. Indeed, my difficulty is, as I explained at the outset, that though my argument remains unanswered, I cannot expect that this *Review* will reprint it *in extenso*.

The earliest attempt to justify the assumption was that of Douglas (1764), who, after observing that 'James . . . had voted as a peer at several elections,' cautiously guards himself by the saving clause:

'If (*sic*) the honours were to the heirs general of the patentee's body, this lord's title to the peerage is indisputable.'

Yes, but if the honours *were* so limited, then their assumption by Baroness Jean, who was *not* such heir general, was unwarranted, or, if my critics insist upon the term, 'fraudulent.'¹ Nevertheless, this guarded suggestion—of which Mr. Maitland Thomson writes:

'Douglas, our still unsuperseded standard authority, . . . expresses himself with a reserve perhaps not less significant than the denunciations of the free lances—'²

'developed into a comfortable, though absolutely unfounded

¹ The word is not mine.

² *Scot. Hist. Rev.* iii. 104.

hypothesis.¹ There lies before me Burke's *Peerage* for 1823, which thus carefully states the ground on which the title was borne :

'The patent containing the precise specification of the honours of the house of Ruthven was unfortunately consumed with the mansion of Freeland on the 15th March, 1750 ; but it is understood, and so acted upon, that the reversion was to heirs male and female of the patentee's body' (p. 660).

This, surely, is definite enough. It would be really interesting to know what Mr. Stevenson makes of this statement, which must have received the sanction of the family. For he knows that this view of the patent had not been 'so acted upon'; he knows that, in the words of Mr. Maitland Thomson, 'Baroness Jean . . . assumed the title without hesitancy' to the exclusion of the heir general; and indeed he himself insists upon the fact. How will he escape from the horns of his dilemma? Will he suggest that the family themselves had never heard of 'Baroness Jean,' their own predecessor not only in the title, but also in the family estate?

It is quite possible that he may. For he is indignant at my suggestion that her most inconvenient existence was suppressed in order to present a consistent theory of the assumption. Suppressed, however, it certainly was, not only in the work of Douglas, who, in Riddell's words, 'very blameably represents things in such a manner as to lead anyone to believe that, upon the death of David in 1701, Isabel had succeeded as heir-general' (p. 140),² but again in Wood's *Douglas*,³ and finally in Burke's *Peerage*. In this last publication Baroness Jean (and, of course, Sir William Cunyngham) continued to be comfortably ignored down to 1883 inclusive, in which year we were still informed that 'David, 2nd baron, . . . died without issue in 1701, when the barony devolved upon his niece, the Hon. Isabella Ruthven, as 1st Baroness.' Mr. Stevenson, who attaches so much importance to the sanction given by time, should note the persistence of this version for some hundred and twenty years, and the eventual acceptance as undoubted fact of what was at first but a tentative guess. The parallel is instructive.

But the pleasantly consistent tale was now rudely shattered, for by this time Mr. Joseph Foster had unearthed 'Baroness

¹ P. 170 of my article.

² The words are 'Isabel Baroness Ruthven, who succeeded her uncle David.'

³ 'Supposed to be to heirs-general, as an heir-general succeeded in 1701' (II. 686).

Jean,' to say nothing of Sir William Cunyngham. A totally different story had now to be presented to the public, and in 1884 a rapidly evolved new version made its appearance in Burke. We thenceforth read of the 2nd lord that

Dying unmarried, 1701, he was succeeded by his youngest sister Jean, who as Baroness Ruthven made up her titles to the estates, and whose right to the peerage was unchallenged in her lifetime. She d. unm. 1722, and the next holder of the title was her niece, Isabel, Baroness Ruthven.

Overboard went the standing assertion that the family had 'acted upon' the understanding that the limitation was to heirs of line; and what is the understanding now? What does the family assert? What do their champions believe? No one can tell us; no one knows.

All that is certain is that the defence has now been forced to abandon its own avowed position and has not dared to adopt definitely any other in its place. To establish this we have only to compare the definite assertion as to the terms of the patent which was formerly made in Burke with that which has replaced it in that publication since the sudden change of front in 1883-4. We now read of the patent of creation that

'It is said to have perished 14th March, 1750, when Freeland House was burned. Collateral proofs¹ exist that heirs-female were not excluded[!] and *there are grounds for surmising that a power of nomination in some shape was conferred in it.*'

I can but quote from my original article (1884) the comment on this mist of words:

'Now, what does all this mean? Simply that the defenders of the assumption find that no one limitation will serve their turn, and that they are compelled to uphold the two alternately, just as suits their purpose,' (p. 176).

For, observe, the question must be faced; was Baroness Jean entitled to the dignity she assumed? or was she not? Yes or no? 'Burke,' it is true, now asserts definitely enough, it seems, that she 's. her brother in the title,' which implies that it was limited to heirs of tailzie not to heirs of line. But immediately afterwards we read of her niece Isabel:

'to whom (as being heir of line as well as of nomination or entail) any doubts suggested regarding her aunt's status have no application.'

But we catch the acrobat in the act of vaulting from steed to steed. If the assumption by Baroness Jean as heir 'of nomination' was valid; what need had Isabel to be heir of line

¹ These proofs, a footnote explains, are simply the retention of the title of the Union Roll, the votes in respect of it, etc.

as well? And if Isabel's right depended on her being 'heir of line,' Baroness Jean assumed the title to the exclusion of the heir of line without any ground whatever. For Mr. Maitland Thomson's suggestion will not avail here; whatever view she may have taken of the terms of the patent she must at least have known that she was not the heir of line.

The importance I attach to the version in 'Burke' is due to the fact that it is the most authoritative, as it must have been submitted to the family. It is also an *ex parte* statement making out for the defence the best case it can. And what does it admit? Why, that if Jean's right was doubtful, Isabel's at least was clear. Jean's right doubtful? Why, if the argument means anything, it means that she had no right at all. And yet Mr. Stevenson is wild with indignation at my daring to hold such a view.

And note further that the first of Burke's 'collateral proofs . . . that heirs-female were not excluded,' is the retention of the title on the Union Roll, although at the very time of its compilation the title was assumed by one who was not the heir-female (by which vague term is meant the heir of line), and who, indeed, excluded such heir!

And, further; how does the fact that 'Baroness Isabel' was heir of line as well as of entail make her right clear even if her aunt's was doubtful? There is no more evidence that the dignity was limited to heirs of line than there is for the 'surmise' that a power of nomination 'in some shape' had been conferred. The 'collateral proofs,' as they are quaintly styled in 'Burke,' resolve themselves, we find, into recognitions of the dignity's existence. But, as Mr. Stevenson insists, Jean's right to it was recognised; Jean was summoned to the crowning of the king. And yet she was not the heir of line. If such recognition does not avail, as 'Burke' implies that it does not, to prove her undoubted right, how can it constitute such proof in the case of Isabel? And what other proof is there?

The truth is, that there is one theory, and one alone, on which the assumption of this title can be consistently justified. But it involves, unluckily, not only the abandonment but the absolute repudiation of that understanding upon which we were assured the family had acted when assuming it. For this theory—which, indeed, does but raise other difficulties—is that the dignity was limited, not to the heirs of line

but to those who should inherit the Freeland estate. On that hypothesis 'Baroness Jean' and all her successors in its possession were entitled to the peerage dignity.

Why, then, is this hypothesis not boldly adopted? Why does 'Burke' lean to an heirs of line limitation? Why did the paper in the *Journal of Jurisprudence*,¹ on which, as I showed, his new ground was based, similarly hedge and trim?¹ Why did my opponents begin by proclaiming that 'the title was evidently *destined to pass along with the estates*, and did so,' only to contradict themselves by adding subsequently:

'Supposing that the right of Jean, Lady Ruthven, was questionable, no such doubt rests on the succession after her death, as all the subsequent holders were *heirs of line* of the original guarantee'?²

'Nay, which is more and most of all,'³ why does Mr. Stevenson himself from the very outset of his case,⁴ carefully abstain from adopting even a definite hypothesis as to what the limitation was? Let those who wish to learn what view he really holds turn to his guarded expressions on pp. 54-5. His one anxiety seems to be to avoid telling them what it is.

'Isobel and her successors *may have*⁵ taken up the title as heirs of line of the patentee; but even though Douglas "admitted" it, that was not the only possible limitation by which the title reached them. The Scots law . . . is familiar with cases of honours limited to heirs of entail, and there is *no proof that entails were absent* in this case; but *something* to the contrary. There was a deed of nomination⁶ of heirs of entail of the hereditary lands of the family.⁷ The line of that entail coincides

¹ It is from collateral evidence only that we can gather what its terms were. . . . But was it simply limited to heirs of line, or did it contain, like a good many[!] other Scottish patents about its date, a power to the patentee, perhaps to his son also[!], to select an heir? Or was there an express limitation to the heir or class of heirs on whom Lord Ruthven [*i.e.* the *first Lord*] should entail his estates? *Be that as it may*, etc., etc.—*Journal of Jurisprudence and Scottish Law Magazine*, March, 1883.

² See p. 176 of my original article.

³ From Lord Chief Justice Crewe's judgment in the Earldom of Oxford case.

⁴ 'I propose to set forth in outline the history of the assumption of the peerage, first by the male line, and thereafter by the female line, or a line of heirs of entail, *which ever it may turn out to have been*' (p. 1).

⁵ The italics in this and the preceding quotation are mine.

⁶ But *not* by the patentee (*J. H. R.*).

⁷ But only of the lands (*J. H. R.*).

to some extent certainly, and in its whole extent *possibly* with the line which the peerage has followed. . . . Either of these alternatives *may have been* in accordance with the facts. I state them merely to show that it is not possible to demand that the title, if not merely to heirs-male, shall be held to be to heirs-female merely, any more than to say that on failure of the last heir-male a title which is eventually to heirs, goes necessarily to the eldest daughter of the grantee. . . . It is thus impossible for us in the present state of our information to attribute to any of the heirs about to be named, the precise theory according to which he held himself to inherit the title.'

And thus, whether consciously or not, Mr. Stevenson knocks on the head the whole case which, we have seen, had been constructed for the defence!

The family, we were expressly told, had 'acted upon' the understanding that the title was limited to heirs of line. Then, on the opening of the cupboard doors, and the appearance of 'Baroness Jean,' we were told, as we are told still, that whether her assumption was rightful or not, the right of Isabel and her successors is clear, because they are the heirs of line. And now comes Mr. Stevenson insisting that, on the contrary, we have no right to say that the dignity was limited to heirs of line, or that Isabel and her successors assumed it upon that ground. What and whom are we to believe?

In the midst of all this contradiction, Mr. Maitland Thomson comes forward to offer a solution of his own. Others may shrink persistently from committing themselves to anything; he, at least, is not afraid.

The 'hypothesis' he adopts is this:

It has already been observed that the assumers of the title were each of them, at the time they took it, heirs of entail in possession. The conclusion to be drawn is tolerably certain,—the family belief was that the title was to go with the lands; in other words, that it was destined to the heirs of entail.¹

Unfortunately, as I have shown, the family has throughout sanctioned, by its appearance in 'Burke,' the view that their rights depended on their being heirs of line.

But that is not the main difficulty involved in the above hypothesis. If I may say so, with all respect, it does not seem to have occurred to its distinguished author that my opponents would eagerly have advanced so simple a theory if they could have ventured to do so. It is because they knew

¹ *Scottish Historical Review*, iii. 106.

too much of the peerage law of Scotland that they have carefully refrained from doing so. Mr. Maitland Thomson oddly observes :

Mr. Round has a dictum of Riddell's to produce—a limitation to heirs of entail could only refer to entails executed before the death of the patentee.

'A dictum of Riddell's'! Why, it never occurred to him that anyone could be ignorant of the fact, or suppose the contrary. There happens to be in the group of creations to which the Ruthven patent belongs, one which contains such a power of nomination as it is surmised, we are told, may have been contained in that patent. It is the creation of the earldom of Balcarres,¹ with limitation to the patentee 'ejusque heredibus masculis talliae et provisionis in ejus infeofamentis expressis seu exprimendis.' No one, I presume, will suggest that by 'ejus' is meant the son or any other descendant of the patentee, or that it can mean anyone but the patentee himself.

The entail of the *estates* executed by David, the second lord, is exactly parallel in its provisions with others in the case of which it was known that no peerage dignity would pass with the estates, and it is because my critics are aware that the House of Lords would not dream of accepting it as conveying the Honours that they have so carefully abstained from resting their case upon it, however tempting an escape it might offer them if only they could do so.

At the end, as at the beginning, of his treatise, Mr. Stevenson is careful to avoid adopting any conceivable limitation; on the last as on the first page we find this admission: 'It has not been any part of my undertaking to show what the terms of the unknown patent were' (p. 76). Just so; for, as I write in my original paper:

here is the gist of the whole matter. Even if we conceded to the apologists of this assumption *carte blanche* to construct for themselves an imaginary limitation to suit their requirements, *it is not in their power to construct any single hypothesis that shall be consistent with the known facts.*

... So inconsistent with itself was this assumption, so hopeless the case for its defence, that *its champions cannot, dare not suggest any one limitation that would justify it.* In vain we challenge them to take their stand on any imaginary limitation they may prefer, that we may know what we have to deal with. They dare not (pp. 175-6).

It was so in 1883; it is so in 1906. Shall we with 'Burke' and the *Journal of Jurisprudence*, rather jettison Baroness Jean than abandon a limitation to heirs of line? Or shall we

¹9th Jan., 1650-1.

rather, with Mr. Stevenson, jettison an heirs-of-line limitation than abandon the right of Baroness Jean? Let them settle it among themselves. Perhaps in another twenty years they may be able to do so. Then it will be time to consider their case; at present they have none.

I will here only add that, as to the coronation summons, I have now ascertained that not only was Robert Mackgill summoned to the coronation of George II. as Viscount Oxenford, but also 'Jean Lady Baroness of Newark,' who had wrongfully assumed that title. Brodie, as Lyon, returned the list of peers and peeresses to the Earl Marshal 'according to the best information he could gett,' but apparently he could not ascertain even Lady Ruthven's name, for she is only returned as '—— Rutheen Ldy Rutheen.'

J. H. ROUND.

[Mr. J. H. Stevenson was anxious that we should insert in the present Number of the 'Scottish Historical Review,' a reply to Mr. Round; but arrangements previously made rendered it unavoidable that Mr. Stevenson's paper be held over until July.

Ed. S. H. R.]

Reviews of Books

GREGORY THE GREAT : HIS PLACE IN HISTORY AND THOUGHT. By F. Homes Dudden, B.D., Fellow of Lincoln College, Oxford. With frontispiece. 2 vols. 8vo. Vol. I. pp. xviii, 476 ; Vol. II. pp. viii, 474. London : Longmans, Green & Co. 1905. 30s. nett.

THESE two handsome and portly volumes form very much more than a mere biographical sketch of the illustrious pontiff, doctor, and theologian, of whom they treat. Had the author called his work a history of the life and times of St. Gregory, the title would not have been misapplied. And Gregory was so much the most interesting and most important personage of his time, he stands out so dominating a figure in the political, social, and religious movements of his age, that a detailed history of his life and work cannot fail to be, as Mr. Dudden's indeed is, to all intents and purposes, a history of the latter half of the sixth century. That there is room and need for such a work, more especially for English students of ecclesiastical history, does not admit of doubt ; for nothing is more remarkable than the neglect with which this period has been treated by nearly all recent English writers on theology and ecclesiastical history, who have, as a rule occupied themselves entirely either with the early councils or the Reformation, and seem to have passed over the intervening thousand years or so as hardly worth their notice.

Mr. Dudden, who is a fellow of Lincoln College, Oxford, would appear (though he does not tell us so in so many words) to have been attracted towards his task of writing St. Gregory's life by the fact that unpublished materials for such a life by a former fellow of the same college (Mr. T. H. Halcombe) are preserved in the college library, and were at his disposal for his present work. But it is clear that he has made use also of the best authorities, ancient and modern, at first hand, and with such good effect that these volumes really do present to the reader not only the best and fullest biography ever written, certainly in English, of Gregory, but also a very complete storehouse on the Gregorian age. The author anticipates unfavourable comment on the length of his volumes, which extend to nearly a thousand pages of type ; and in truth the minute and detailed description of places, especially the streets, temples, and public buildings of Rome, as they existed in the sixth century, does tend, perhaps, somewhat to weary the reader, and undoubtedly delays the action of the story of St. Gregory's life. Mr. Dudden defends himself in this regard by saying that he did not wish to presume too much on the knowledge of his readers ; but it might perhaps be said that he presumes a little too much on their ignorance, and of course there are many accessible sources from

which intelligent students of the early middle ages can, and do, derive a sufficiently accurate knowledge of the external aspect of Rome as it then was. Nevertheless Mr. Dudden's picture of the Rome of St. Gregory is in itself well and graphically drawn, and we do not recollect anywhere a more vivid description than he gives us of that wonderful period, when the Eternal City was in the very throes of transition from its old glory as the capital of a world-wide empire to the new glory of being the capital of the Universal Church; when from being the city of the Caesars it was becoming, as it was to remain for thirteen centuries, the city of the Popes.

As to the author's presentment of the great pontiff and doctor, it is certainly a striking, and we should say, on the whole, a true and a life-like one. The first two books of the work are taken up with the actual history of the saint, and with a general survey of the age in which he lived, while the third book is devoted to a detailed examination of Gregory as a theologian. The author justly claims for this latter portion that it is really the first systematic attempt which has been made by an English writer to set forth the dogmatic utterances of the fourth doctor of the Western Church. No one probably would maintain that St. Gregory was, as a theologian pure and simple, the greatest of the four; that he accomplished anything like the work done by Jerome, or that he was the founder of a great school of thought like Augustine. Yet his place in the history of Christian and Catholic theology is fully as important as theirs. He stands at the parting of the ways between the patristic and the medieval church. He is the pioneer, so to speak, of the Scholastics of the Middle Ages, the link which unites the dogmatic theology of the Fathers with the Scholastic speculations of later times. He sums up in himself the doctrinal development of Western Christianity, and in his teaching is contained, explicitly or implicitly, the whole Catholic system of succeeding centuries down to our own. If there is one fact which stands out clearly in Mr. Dudden's pages, it is that the creed of the Roman Church, as it is taught and held to-day, exists, implied or expressed, in the teaching of St. Gregory, as clearly as the supremacy and authority of the Roman Pontiff exist in the claims which he put forward and constantly maintained on behalf of the Roman See. It has been well said that the 'Appeal to the first Six Centuries,' which an Anglican Dean has proposed as a panacea to heal the dissensions, and reconcile the deep divergencies, of his distracted Church, seems absolutely amazing to anyone who knows what the chief Bishop of Christendom really did teach and believe and practise during the latter part of that period.

Mr. Dudden does full justice to Gregory's extraordinarily versatile genius, and to the many-sidedness of his character which enabled him to put forth his energies in so many directions, and to play so many parts, in the commanding position in which he found himself during the greater part of his life. Our author draws an elaborate contrast between the shrewd financier, the excellent man of business, the wise and prudent administrator of the patrimony of St. Peter on the one hand, and on the other the recluse scholar and scribe, tracing out the mystical sense of obscure passages of scripture, and laboriously compiling the fascinating series of pious stories

known as the 'Dialogues.' One is glad to see that Mr. Dudden admits, practically without question, the authenticity of a collection of writings which charmed and fascinated the world for centuries, and endeared St. Gregory's name to countless generations of readers; but it is, perhaps, permissible to point out that his view that the whole of these naïve narratives of visions, prophecies, and miracles are a mere *olla podrida* of unsupported legend, collected by a man with 'no capacity of either weighing or testing evidence,' is hardly compatible with his estimate elsewhere of St. Gregory as a critic and a scholar. Turning to another point, it is too much, perhaps, to expect that the non-Catholic biographer of a Catholic Pope should take the trouble to ascertain exactly what Catholics believe to be the meaning, province, and scope of papal infallibility. Had Mr. Dudden studied, for example, the Catholic penny catechism as to this dogma, we should not find him triumphantly asserting that because Columban declined to give up at Gregory's bidding the Celtic usage of celebrating Easter, therefore he 'certainly knew nothing of the doctrine of papal infallibility.' We take leave to assure Mr. Dudden that in supposing papal infallibility to have any earthly connection with this question, he errs as fundamentally as, if less grotesquely than, the man who supposed that an infallible Pope had, or claimed, the power of predicting the winner of the Derby the year after next.

Mr. Dudden expressly disclaims the view which has been put forward by shallow and superficial students of Gregory's life and character, that in embracing the ecclesiastical state he was moved only or even mainly by ambition. It is evidently, however, our author's belief that the future Pope's choice of career was strongly influenced by the belief that the Church offered the likeliest field for the exercise of his talents. Mr. Dudden, however, seems to forget that if that had really been Gregory's chief motive, of which there is no evidence, he would certainly have elected to become a secular priest, an ecclesiastic living and working in the world, rather than a humble monk bound by the vows of religion, and leading an obscure and hidden life in his monastery on the Caelian hill. Gregory's genuine reluctance (graphically depicted in these pages) to accept the burden of the Pontificate, on the death of Pope Pelagius sixteen years later, proved how little ambition, even in the nobler sense of the word, had had to do with his original determination.

The foregoing criticisms on certain points of view which present themselves in Mr. Dudden's pages do not preclude the conclusion, which no impartial critic can withhold, that his study of one of the greatest figures in the history of Christendom is worthy of its subject, and a really valuable contribution to ecclesiastical biography. If in certain respects the author may have to some extent misunderstood the motives, or failed to do justice to the character, of his hero, it is assuredly not from want of appreciation of the transcendent qualities which distinguished him. The perusal of these interesting volumes can only strengthen and confirm the reader in the truth of Mr. Dudden's closing estimate; and with him we may all 'gratefully reverence the name of Gregory, as that not only of a great man, but also of a great saint.'

D. O. HUNTER-BLAIR, O.S.B.

HOW TO COLLECT BOOKS. By J. Herbert Slater. Pp. xii, 205. Post 8vo. London: George Bell & Sons. 1905. 6s. net.

FOR the past eighteen years book-collectors have been indebted to Mr. Slater for his admirable and useful *Book Prices Current*. It was only natural that they should expect from his pen a serviceable work on book-collecting. This expectation has not been realised. A really good book on this subject has yet to be written.

It is only fair to say that criticism is disarmed to some extent, for the author in his preface writes: 'All that can be done within the limits of a single volume, dealing as this does with a variety of subjects, is to touch the fringe of each.' It is rather hard to say why some of the subjects of which he has touched the fringe have been introduced at all in such a work.

Mr. Slater begins his book with 'Hints to beginners,' dealing with generalities, most of which he repeats later on. This is followed by 'some practical hints,' in which the author should have warned the beginner that old books of folio size were invariably gathered to form quires of 4, 6, 8, or more leaves. The statement 'that there must necessarily be between each "signature" . . . two leaves . . . in every folio' is certainly not in accordance with facts. One would naturally have looked for guidance in collating books 'without any marks' by the quires, such as Mr. E. Gordon Duff gives in his *Early Printed Books*, pp. 208-210, but possibly Mr. Slater considered this method too advanced for the class of reader for whom he writes. His directions for removing stains by means of oxalide acid and chloride of lime should be carefully avoided by all who have any respect for an old book and desire its preservation.

Manuscripts, block-books, incunabula, such as the Mazarin Bible, Pfister's Bible, the Psalter of 1457, the earliest books from the presses of Sweynheym and Parnartz, Caxton, and the Schoolmaster of St. Albans, and metal and ivory bindings, all these have space allotted to them which might have been more profitably employed in an elementary work on book-collecting. Little can be said in commendation of this section of the book. It contains statements which one hoped would not again appear in a bibliographical work. Take, for example, the following: 'There is a great question whether a press was not established at Oxford in 1468.' This date is indefensible on Mr. Slater's own showing. In a previous chapter he informs us that printed signatures were first used in printed books by Antonius Zarotus, in Milan, about the year 1470. This assertion is probably based on the will-o'-the-wisp Terence of March 13, 1470, which has never been examined by any competent bibliographer, and is believed to be a copy of the edition of March 13, 1481, in which the last two numerals of the date xi have been erased. But allowing the second date which he names for the introduction of printed signatures, viz. 1472, it is strange that he did not warn his readers that the Oxford 'Expositio sancti Hieronimi in symbolum apostolorum' has printed signatures, and that,

as Mr. Gordon Duff remarks, 'copies of this book have been found bound up in the original binding with books of 1478.'

The chapter on 'Great Collectors' deals chiefly with French private libraries of a by-gone age. No mention is made of the Duc d'Aumale, whose magnificent collection is now at the service of scholars. English collectors do not include the name of the Earl of Crawford. Although reduced by ten days' sale in 1887 and four days' sale in 1889, not to speak of the sale of the manuscripts at a later date, the Earl of Crawford's is believed to be still the largest private library in England.

In the two concluding chapters Mr. Slater is on ground with which he is more familiar. That on 'Auction Sales' contains some sound advice, and a useful list of the greatest book sales since the beginning of the nineteenth century. The chapter on 'Early Editions and Strange Books' deals with classes of books more likely to find their way into the library of the young collector than manuscripts, block-books, Mazarin Bibles, and bindings in the 'Byzantine style.'

J. P. EDMOND.

THE AGE OF TRANSITION. By F. J. Snell, M.A. 2 vols. 1400-1450. Vol. 1, THE POETS; Vol. 2, THE DRAMATISTS AND PROSE WRITERS. Vol. 1, pp. vi, 226; Vol. 2, pp. xxix, 167. Cr. 8vo. London: George Bell & Sons. 1905. 3s. 6d. nett each.

It is not perhaps the function of histories of literature to inspire their readers, their office is to create respect for its dimensions and its wilderness of detail. Certainly Mr. Snell's volumes cannot be accurately described as 'the adventures of a soul among masterpieces.' Nor though he moves through an age of mighty preparations does he permit himself to think of it as anywhere an age of achievements. Mr. Snell denies himself the transports of the discoverer; we have from him no revised judgments nor any exhilarating panegyrics on men hitherto but meagrely appreciated. He tells his story with sobriety, and at least we owe him gratitude for the absence of any strained or affected estimates. And if we say that he has carried through his task in a workmanlike fashion, that may be the sentence he anticipated and most of all desired. He writes of an *interregnum*, a period when there was no king in Israel, between the reigns of Chaucer and of Spenser, and argues that it was not an age of poetical excitement. Adapting Cicero, he tells us *inter arma silent musae*, 'and if we use the term *arma* in the widest sense, so as to include every variety of conflict, not only military and material, but intellectual and spiritual, the adaptation of Cicero's saying is eminently applicable to long years of profound outer and inner revolution.' There is here no imposing array of literary figures, but we would willingly have welcomed a note of enthusiasm at the mention of Wyclif, or Caxton, or Malory. We think Mr. Snell's book would have reached a higher kind of success had he suppressed insignificant facts and persons and dwelt at length upon significant things: for a book which includes among its subjects the origins of the Romantic drama, the early Reformation movement and its leaders, Renaissance influences upon English literature, and the Golden

Age of Scottish Poetry, must not be set down as traversing barren country. Such books as this cannot serve general readers, for these decline to be choked with names and dates; they cannot serve the advanced student, for the information conveyed is insufficient for his needs; theirs seems to be the lot of an undistinguished and precarious existence in the suburbs of learning, where they receive occasional visitors from the middle classes. What, for example, can a serious enquirer glean from a chapter on 'Ballads and Songs' which gives no hint of a theory of communal authorship, no reference to such authorities as Professor Child, no discussion of origins, no mention of the metrical characteristics of primitive poetry? The world of scholarship is wide, and many are the necessities of the student: far be it from us to write down Mr. Snell's work as superfluous. Within the compass permitted him he has done most of what could be done, but we suspect that he would have been vastly happier had he written *con amore*. A man may profit in discipline from such a task as he has here performed, but he cannot tell us that he enjoyed it, and we will not believe that it represents him or his powers. We wish for him a broader canvas, and we promise him a heartier appreciation of an essay projected on a nobler scale.

W. MACNEILE DIXON.

THREE CHRONICLES OF LONDON, 1189-1509. Edited from the Cotton MSS. by C. L. Kingsford. Pp. xlviii, 368. 8vo. Oxford: Clarendon Press. 1905. 10s. 6d. nett.

THE publication of three hitherto unprinted versions of the English chronicles, which were being compiled for the use of London citizens in the fifteenth century and later, is a welcome addition to historical knowledge. What are commonly called 'London' chronicles are those which head the entry of the annals of each year with the names of the chief municipal officers elected for that year, with the names of the London Mayor and Sheriffs. For want of a better criterion, this may be taken to divide the 'London' chronicles from those other continuations of the 'Brut' series (such, for instance, as that published by Mr. J. S. Davies for the Camden Society), which in other respects resemble the series edited by Mr. Kingsford. The printing of the present group of London chronicles is a step forward to the analysis of the sources used by Fabian and his successors; and the chronicles are valuable in themselves for their many life-like touches of description, adding new material to the narrative, the main features of which may be sufficiently familiar. We have been too long content with uncritical reproductions of the texts of Fabian, Hall, and Grafton, though Nicolas and Tyrrell in their *Chronicle of London* (1827), and Gairdner in the *London Chronicles*, which he issued for the Camden Society, pointed the way to more knowledge. The texts which Mr. Kingsford has edited with every care, with glossary, notes, and an elaborate and useful index, are even more serviceable than these fore-runners. Similar to them in scope and method, they are often independent sources of considerable interest, sometimes for the history of London in

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particular, sometimes for the general history of England. The Scottish materials are inconsiderable. A Londoner's feelings towards the Earl of Angus and his countrymen (1516) find vent in the entry, 'The said yerle, lyke unto the nature of his cuntre, went howme agen into Schotland, takyng no love.' Scottish disaster on different occasions called forth the comment:

'In the croke of the mone went they thedirward,
And in the wilde wanyng went thei homeward.'

A few outbursts of versification in the chronicle are obscured by being printed as prose.

It is to be hoped that Dr. Brie's researches into the sources of the English versions of the Brut will carry the enquiry begun by Mr. Kingsford a stage further in tracking the sources of the portions of chronicle which these London writers have in common. It is unfortunate that the interesting London chronicle now at Trinity College, Dublin, very similar in quality but different in detail as regards the reign of Henry VI., has not been included side by side with these Cottonian MSS.; probably a good deal more MS. material awaits examination before we can know all that there is to know of the London school of chronicle. A version of part of the *Annales Londonenses*, which Stubbs printed from a modern transcript, reposes in the Corpus Christi College Library, Cambridge, and deserves at least collation with the printed text. A small selection of entries in these *Annales* forms part of the common groundwork used in all the fifteenth century chronicles to fill up the annals of times long past: the writer's interest is concentrated on the times with which he was contemporary, and what he palms off as an epitome of the historical facts of earlier ages is for the most part an absurd list of useless memoranda.

Students of language will find here much of value. The verses of Lydgate written for the pageant in 1432 are carefully re-edited by Mr. Kingsford from these texts: he has omitted to notice that besides Nicolas's text, we have the version in *Cleop.* CIV. edited by Halliwell for the Percy Society.

MARY BATESON.

THE MATRICULATION ROLL OF THE UNIVERSITY OF ST. ANDREWS, 1747-1897. Edited, with Introduction and Index, by James Maitland Anderson, Librarian to the University. Pp. lxxxix, 455. Dy. 8vo. Edinburgh: Blackwood & Sons, 1905. 18s. nett.

It is gratifying to see that the oldest of our Scottish universities has at last made a beginning in the way of publishing its matriculation rolls. The present volume deals with the latest of the three periods into which the history of the University can be divided. It embraces the years from 1747, the date at which the two ancient colleges of St. Salvator and St. Leonard were united, till the final incorporation of an entirely new one in 1897. Mr. Anderson in his introduction takes up the story of the University in 1747, and tells it with admirable succinctness down to modern times. There is much interesting information in it: it will

surprise many, for instance, to learn that while the election of a Rector was formally placed in the hands of the students by the Universities Act of 1858, they actually did elect an 'extraneous' rector in that very year before the passing of the Act, and the election was held to be valid notwithstanding that two previous attempts, one so early as 1825 when Sir Walter Scott was elected, had ended in failure, the Senatus holding that only four persons were eligible to be nominated for the office, viz., the Principals of the United College and St. Mary's, the Professor of Divinity and the Professor of Church History. The story of the uniting of the two colleges of St. Salvator and St. Leonard forms interesting reading. The University could not at the time really afford to keep up the two colleges, but it is curious that when it became necessary to decide which of the two was to be the home of the United College, the choice fell upon St. Salvator, the most ruinous and dilapidated. Up to 1829 about £5500 were expended on the buildings and repair of the College, but even then its condition was far from satisfactory. The immediately succeeding years were spent in struggling with the Government for money to secure better accommodation, and it was not till 1851 that, partly by Government grants and partly by private effort, the present buildings of the College were ultimately completed. St. Mary's College underwent very much the same experience so far as building was concerned: it was in a miserable state in 1827, but re-building and improvements have gone on from that date till 1890.

The matriculation roll itself is of much interest; and it is evident that the editor has spent a great deal of time and care in analysing it. Down to 1829 the method of matriculation was that noblemen's sons matriculated first as Primers; then followed Secondars or gentlemen-commoners; and to these succeeded the Ternars or ordinary folks: in more ancient days (though there is one example of it in this volume) the Luminator of a class matriculated last: his duty was to furnish fire and light to his class in return for certain perquisites and privileges. The attempts of the students, who entered their own names in the roll, to give not only their names but the places of their origin in Latin, are sometimes productive of curious results. Perthensis and Fifensis are easy enough, but when it became necessary to latinize Lanarkshire, the Isle of Skye and Boulogne, the invention of the ingenuous youth failed them.

While welcoming this volume with all cordiality, it is a pity that the University did not put its best foot foremost and give us the earliest and not the latest rolls first. Gwendolen Jones or Catherine Robertson may be most excellent girls, and may perhaps make a name for themselves in future, but in the meantime one's interest in them is but faint, and the fact that they or similar young women (for these actual names do not occur) matriculated in St. Andrews in the year 1896 is one the announcement of which could be waited for indefinitely with equanimity. Again, it is a pity that some attempt was not made to identify a few at least out of the many names which occur in these lists. Of course to have dealt with even the majority would have cost more time and labour than it was possible to bestow on such a task. But in many instances a note could

easily have been supplied which would have been of the utmost service to future generations of investigators. For instance, it would have been simple to have added a note to the name of 'Robertus Herbert Story,' who was a student in St. Mary's in 1857, to the effect that that name now represents the Principal of the University of Glasgow. In the same year too and at the same College, the name 'Edwardus Caird' appears: future inquirers would like to know if this was the Master of Balliol: as a matter of fact we believe it was, but the information that he studied theology at St. Andrews may be looked for in vain in any modern book of reference. So few Peers' sons occur within the period embraced by this volume that it might have been worth identifying the 'Dounes,' who matriculated in 1753, with the person who afterwards had a long and honourable career as Francis, eighth Earl of Moray. A few references like those suggested would have given additional value to the book. It should not, however, be taken leave of in anything but words of praise, and the old University is to be congratulated on the first step towards the completion of so important an undertaking, and the editor for the careful and accurate manner in which he has carried it out.

J. BALFOUR PAUL.

A HISTORY OF ENGLAND, IN SIX VOLUMES: General Editor, C. W. C. Oman, M.A. Vol ii. ENGLAND UNDER THE NORMANS AND ANGEVINS, 1066-1272. By H. W. C. Davis, Fellow and Tutor of Balliol College, Oxford. With 11 maps. Pp. xxii, 578. London: Methuen and Co., 1905. 10s. 6d. nett.

THIS book is the second of a series of six volumes on the History of England edited by Professor Oman, and intended to meet a demand for a standard history which will occupy a place between the dry annals of the school manual on the one hand and the laborious monographs of specialists on the other. With the vast accumulation of historical materials brought to light during the past twenty years, it is almost beyond the capacity of a single student to assimilate the new information as rapidly as it is thrown into the common stock, and few men can be found to undertake a complete history with any prospect of success. In order that the work may be done to the best advantage, the history of the nation has been divided into well-defined periods that are neither too long to be dealt with by competent scholars nor too short to force the writer into a discussion of uninteresting and unimportant details. As the volumes will be written on a definite plan, there will be uniformity in the method of treatment throughout, but it will be possible for each contributor to preserve his individuality without affecting the general continuity of the narrative. By this system of co-operation the best results may be obtained without running the danger of making the history a mere compilation like an encyclopaedia or a collection of treatises on historical subjects. There is little doubt that there is ample room for such an undertaking, and we shall be much disappointed if the present attempt to fill it does not command approval.

The section assigned to Mr. Davis embraces the epoch of Norman and Angevin, 1066-1272, with the history of which are associated the names of some of the most brilliant specialists that England has ever produced, historians like Bishop Stubbs, Mr. Freeman, Miss Norgate, Mr. J. R. Green, Professor Maitland, Mr. J. H. Round and Sir James Ramsay, to whose researches the author very properly acknowledges himself under many obligations. It is a period of sufficient complexity to tax the resources of the most skilful scholar, full of surprises and bristling with problems not always capable of convincing exposition. The Norman Conquest marks the commencement of a new era, when foreign ideas, secular and ecclesiastical, began to germinate on English soil and to mould English politics. Not that the consequences of the catastrophe are at once visible as we follow the course of events from year to year, but after the lapse of time, when we look back on the progress of national development, we begin to see that under the new conditions the nation has been in a state of transition in which the native element is gradually becoming absorbed in the upward trend of French traditions and influences. It is not, however, the ethnical question alone that appears as the most conspicuous feature of the national movement. Other forces were at work to weld together the loose aggregation of kingdoms and peoples and to give stability to England as a homogeneous state. Not the least of these was the idea of kingship which the Normans had established from the Tweed to the Channel. The unification of sovereign power in the person of the King, which disputed successions could not impair, was one of the distinctive elements instrumental in consolidating the promiscuous aspirations which governed the acts of the conquerors and the conquered. Around the prerogatives of the kingship the keenest controversies were waged. The introduction of feudalism, the King as the source of tenure and the fountain of justice, the relation of the English Crown to the English Church, the vacillation of the Bishops between national and catholic ideals, the struggles of the commonalty to share in the responsibilities of government, difficulties like these were often in evidence as the national genius for self-government was slowly crystallising into definite shape. The period with which this volume deals closes appropriately with the death of Henry III., for by that time many of the domestic troubles in Church and State had been provisionally settled.

It must be said in justice to Mr. Davis that he has spared no pains to make his narrative both interesting and trustworthy. He has brought to the task the results of wide reading and accurate scholarship. A slight acquaintance with the book will convince the student, whether he agrees with the author's conclusions or not, that he is in contact with a writer who has kept himself abreast of the latest theories on obscure points of mediæval history and who is capable of handling them with an independent and discriminating judgment. It is pleasing to notice that he does not confine himself wholly to such high themes as national events and national development. He often turns aside from the discussion of the larger issues and wanders along the banks of the smaller tributaries which feed the main stream. To many persons these minor but important studies will prove of

special value. When one mentions such subjects as the reforms of Henry II. in matters of finance, taxation, the Jews, the reorganisation of the Curia Regis, the forests, the towns, local justice, itinerant justice, juries, feudal jurisdictions and inquests of sheriffs at one period, and the condition of the masses of the people, intellectual revival, English scholars, lawyers, centres of learning, and the monastic movement at another, there can be little complaint on the score of scope and variety. In all the departments of art, literature, or social life, Mr. Davis traces the same manifestations of progress which he points out in the political and ecclesiastical development of the nation as a whole. It is perhaps in this abundance of detail that the critic will find the greatest occasion for cavil. But it cannot be too often insisted on that the author of a book, which covers a wide field and demands broad treatment, challenges and deserves liberal consideration.

With every disposition to act on this maxim, it must be confessed that there is one section of 'England under the Normans and Angevins' which will cause the student of northern history some disappointment. Too little attention has been given to the Scottish borderland. The omission cannot be excused on the ground of irrelevancy. The familiar commonplaces of international relations at certain periods have been expounded with adequate fulness. On the other hand, we look in vain for some account of the part borne by the Border districts in the history of the nation, or for illumination of the peculiar institutions which to a large extent withstood the advance of feudalism during the epoch under review. There are discussions on the Marches of Wales, the affairs of Gascony, and the conquest of Ireland, but we get no guidance on Border tenure, Border law, Border courts, the exemption of the Border baronage from foreign service in the national host, the freedom from scutage of cornage tenants, and other peculiarities characteristic of northern history. At one time the lawyers of Westminster disowned all knowledge of the *leges marchiarum*, but a similar unconsciousness of northern characteristics admits of no defence at the present day.

With this reservation, apart from minor details, we have nothing but admiration for Mr. Davis's performance. His style is scholarly and attractive, often eloquent, never dull. Some of his idiosyncracies are harmless, for example, when he insists on the quaint orthography of 'complection' and 'connection,' but 'ascendancy' (p. 17) must be a slip. The bibliography at the end of the book is useful, the index is good and the maps indispensable. It must also be said to the credit of the publishers that the turn out of the volume is everything that could be desired.

JAMES WILSON.

THE CAMBRIDGE MODERN HISTORY. Vol. viii. The French Revolution. Pp. xxviii, 875. Ry. 8vo. Cambridge: University Press. 1904. 16s. nett.

IN point of definite years, this volume may be said to cover the very small period, 1774-1800, from the accession of Louis XVI. to the Coup

d'état of Brumaire which abolished the Directory. But the necessary preliminary chapters take us a long way back. The philosophical bases of the revolutionary movement are dealt with in a masterly article by Mr. P. F. Willert, who shows that 'the negative and destructive part' of the eighteenth century doctrine was to be found in existence at least a century before the French Revolution broke out, while 'the positive conceptions of popular sovereignty and natural rights' were in their origin older still. This volume is the most thorough study of the whole revolutionary movement which we have in the English language. It is a distinct advantage to its unity that the services of a comparatively small number of writers have been called into requisition. Twenty-five chapters have been distributed among thirteen authors. Professor Montague, of University College, London, after a useful *resumé* of the French Government of the *Ancien Régime*, narrates the history of France in four more chapters, down to the Constitution of 1791. Mr. J. R. Moreton Macdonald of Largs, in four carefully-written sections, carries on the story to the end of the Convention, and picks his way with considerable skill through the confusing and contradictory detail of those terrible four years. It is by no means always easy to follow the precise march of events, and there is a tendency to give too many names of comparatively unimportant people, but the material is intractable, and at times every moment had its importance. The French History in this volume is concluded by a singularly brilliant article by Mr. H. A. L. Fisher on Brumaire. His character sketch of Sieyès with an intelligence 'narrow, intermittent and original,' and the summary of the results of Bonaparte's act are written with a sense of style which is not found in many pages of this or any other historical work of recent date. An interesting chapter on French Law in the Age of the Revolution is contributed by Professor Paul Viollet of the *École des Chartes*. The review of the financial situation, both before and during the Revolution, has been entrusted to the capable pen of Mr. Henry Higgs of the Treasury. British Foreign policy before the outbreak of the Revolutionary War falls to Mr. Oscar Browning. Professor Lodge, with his accustomed lucidity, deals with the Eastern Question generally, and Poland in particular—a chapter of even more importance in the development of the revolutionary force. Mr. Dunn Pattison, like Mr. Moreton Macdonald a young writer, takes the thankless task of sketching the early Revolutionary War. With the advent of Napoleon, the services of Dr. J. H. Rose are not unnaturally called into requisition. Mr. H. W. Wilson very appropriately deals with the Naval aspects of the war, which Admiral Mahan has emphasised in his books, and last, but certainly in interest not least, comes a chapter by Mr. G. P. Gooch, who uses to the utmost the few pages at his disposal for drawing out the effect of the French Revolution on contemporary thought and literature. It will be a real boon to many students here, as elsewhere in these volumes, to see foreign and British developments treated side by side. The British public is not, it must be confessed, interested in any foreign history except of the most recent period. Hence the history of our own land

is apt to assume a disproportionate importance in our minds. It is instructive to number the pages assigned to British history in Universal Histories written in foreign tongues. One great value of this Cambridge History consists in its careful allotment of space to countries and subjects, with some reference to their respective importance in the larger history of the civilised world.

DUDLEY J. MEDLEY.

KELTIC RESEARCHES: STUDIES IN THE HISTORY AND DISTRIBUTION OF THE ANCIENT GOIDELIC LANGUAGE AND PEOPLES. By E. W. B. Nicholson, M.A., Bodley's Librarian, Oxford. Pp. xx, 212. London: Henry Frowde. 1904. 21s.

MR. NICHOLSON is already known to Celtic scholars as the author of *The Vernacular Inscriptions of the Ancient Kingdom of Alban* (1896), and a gossipy book on Golspie and its folklore. In the former work he tried to read the riddle of the so-called Pictish inscriptions, with the help of a modern Gaelic grammar and dictionary, and with a result that astonished, if it did not amuse, Celtic scholars. Since then, however, Mr. Nicholson has been pursuing the study of Pictish on a wider scale over the area of Gaul and the British Isles, and his results—some of which have appeared in the form of articles in the *Athenaeum* and elsewhere—are given in the present volume. Mr. Nicholson writes with an engaging candour, which greatly disarms criticism. Thus his great study on the 'Sequanian Language' only cost him a fortnight for the first draft: he had only seen his materials—the Calendar of Coligny practically—sixteen days before the article was finished. The larger half of the work discusses the Celtic ethnology of northern Gaul and of Great Britain and Ireland; the other half is composed of appendices, dealing mainly with the language of the Coligny Calendar, discovered in 1897, and of the Rom Tablet, discovered ten years earlier, but deciphered only in 1898. The languages of the Gaulish tribes known as the Pictavi or Pictones and the Sequani thus form the main portion of the appendices. Mr. Nicholson's great discovery is that Indo-European initial *p* was preserved in these and some British languages, and this is the main contention of his book. It is needless to say that Mr. Nicholson here runs counter to the leading canon of Celtic philology—that Indo-European *p*, initial at least, was lost entirely. The claim of a Celtic language to be such has been usually tested by this rule. Thus Latin *pater* appears in Gaelic as *athair*, which stands for a Celtic *ater*. Hitherto Celtists smiled at Mr. Nicholson's attempts, and felt no inclination to take him seriously. Lately, however, Prof. Rhys astonished the Celtic world by accepting Mr. Nicholson's views on the *p* question, at least as far as the Continental Celts are concerned (see *Celtae and Galli*, a paper read before the British Academy, May 1905). The three words in the Coligny Calendar showing *p* are Petiux, Poggedortonin, and Prinnos. The last Prof. Rhys refers to the Indo-European stem *perna*, Irish *renim*, I sell, and considers it to mean 'market'; but there is

an equally good Celtic and Indo-European root *kren*, or *cren*, of like meaning, Welsh *prynnu*, buy. No doubt Prof. Rhys rejects this, because it would make the Calendar a Brittonic document, whereas he maintains, as does Mr. Nicholson, that the language of the Calendar is early Gadelic. The month name Equos, 'Horse' (compare Gaelic Gearran, the four weeks from 15th March to 15th April), shows Celtic *qu*, which in Gadelic becomes *c*, in Brittonic *p*. In fact, Equos does not necessarily imply a Gadelic tongue; it can be explained as a survival. The word Petiux is allowed by Prof. Rhys to be the Pictish *pet*; but the *po* of the third word is regarded as the preposition *po*, from. Irish and Gaelic *ua* or *o* is from *au*, as in Latin, *au-fero*; whence does the Professor get the *po*? Besides, might it not be the prep. *cos*, *co*, Welsh *pw* or *bw*? The Rom Tablet shows more words in *p*, especially *com-priato*, which looks as if it were from the Indo-European root *pri*, love. Both Prof. Rhys and Mr. Nicholson agree on this. The word *pura* seems borrowed, but surely we do not require to revolutionise Celtic philology for two or three *p*'s on a tablet which presents so much difficulty in decipherment. The translations offered by our two authors differ *toto caelo*; but this is not to be wondered at. The whole matter is as yet pure guess work, dear to the heart of a solar mythologist, but scarcely yet worth serious consideration from the science of philology. What is most needed in regard to these inscriptions, be they insular or continental Pictish, is time and patience. One is sorry to see our authors bring forward again Dr. Marcellus' (circ. 400) Bordeaux Charms; but the word *prosag* (come forth) is too tempting to a believer in the possibility of Indo-European *p* surviving in Celtic to leave it in its deserved obscurity. It is also surely bad phonetics to compare Gaulish *ciallos* with Irish *ciall*; does the month name Giamon convey no lesson?

Mr. Nicholson's ethnological results are briefly these: the Belgae were a *p*-preserving Gadelic people; they overran Britain and formed the Firbolg colony of Ireland. The other two leading Irish tribes were the Fir Galeon or Irish Picts, and the Fir Domnan or Dumnonii or Devonians. They all spoke early Gaelic. The Scots do not appear on the map at all, and are only incidentally mentioned as coming from Spain! Where the Cymry, or predecessors of the modern Welsh come in, one hardly knows. Both Cymry and Scots—in real fact the leading tribal names—appear to have no place in Mr. Nicholson's scheme. He agrees with Skene in wiping out the Dalriad Scots in 741; he forgets Aed Finn (747-777), his laws and victories; and the ultimate name of the combined nation—Scot and Scotland—receives no explanation save that the Highlanders do not call themselves Scots, but Albanaich. In this Mr. Nicholson is mistaken, the Highlanders call themselves still—as they always did—Gàidheil. Like Skene, he does not believe in the old Gaelic Annals, where the Picts are represented as being overthrown by the Scots. But really a study of these same Annals and of the verification of them by subsequent facts ought to convince Mr. Nicholson that a huge error has been committed by Pinkerton and Skene in rejecting them. Modern Celtic scholars are very conservative on this and other points in regard to the Annals, which were treated very

cavalierly by Skene whenever they did not agree with his theories. He treated the various clan histories and genealogies in a similar fashion with consequent confusion.

Mr. Nicholson's numerous derivations invite criticism, but only one or two can be noticed. On the idea that Pictish preserved Indo-European *p*, he conjoins Pictish *pett* (the Coligny *petiux*), farm, with Gaelic *àit*, place! This last he finds in many Pictish inscriptions. Now curiously *àit* is never used in any Gaelic place name. This may be news to the non-Gaelic etymologist of place names. The Pictish inscriptions anyway were no doubt the work of the South Ireland clergy introduced into Pictland over the Easter question. Ogam inscriptions were invented in South Ireland, and spread thence to Cornwall, Wales, and Pictland. The name Argyle comes from old Gaelic Airer or Oirer Gaidheal, the 'Coastland of the Gael,' and surely the Latin Ergadia is a 'ghost' name founded thereon. Mr. Nicholson does not require to derive it from *àirghe* or *àirigh*, a shieling; the initial vowels will not suit. Still less does Airchartdan (Urquhart) come from the same word. The initial *air* is the preposition, which is common in the place names of the district (Ur-ray, Ur-chany, Er-cles, etc.). The river Duglas means 'black stream (dub-glais).' Kenneth is not a Pictish name; a glance at the index of (say) the *Four Masters* would dispel this notion. The book bristles with doubtful and wrong etymologies; the work is full of perversities as well. Why should the author derive the name of the heretic Pelagius from Indo-European *pel*, fill, when his name is a Graeco-Roman adjective translating a Celtic Morgan, 'Sea-born'? Palladius is a similar word doing duty for Sucat, 'warlike,' St. Patrick's first name. The Gaulish and early Celtic Church was closely connected with the Eastern Church.

ALEXANDER MACBAIN.

THE RECORDS OF THE PROCEEDINGS OF THE JUSTICIARY COURT, EDINBURGH, 1661-1678. Edited with an introduction and notes from a manuscript by W. G. Scott Moncrieff, F.S.H., Advocate. Vol. i., 1661-1669. Pp. xxxiii, 349. Edinburgh: Printed at the University Press for the Scottish Historical Society, 1905.

THE title is somewhat misleading, because this is not an official record but is a copy of minutes with comments by an anonymous writer in the year 1683 (p. 105). It is obvious that he was a lawyer who was present at, at least, some of the trials, and who was especially interested in the procedure, he criticised the forms of the judgments rather than their merits; he showed little sympathy for suffering, and no indignation at cruelty.

In an admirable introduction the editor, Mr. Scott Moncrieff, has drawn attention to all that is valuable and noteworthy in the volume.

These criminal trials during the eight years from 1661 to 1669 are for the most part for common crimes, murders, assaults, thefts, and forgeries; as a rule, which were committed with more cruelty and more openly than in modern days. There are many charges which are no longer tried,

witchcraft, adultery, usury, 'depraving the law and traducing the government of Scotland,' etc. The crimes, the rank of the persons accused, the procedure, the acquittals, convictions, and punishments, all show that in the first years of the reign of Charles II. Scotland was in a wretched state of lawlessness and misgovernment.

We read of a mob in Edinburgh in 1664 which had to be dispersed by soldiers from the Castle, for which only one man was arrested, and the prosecution was dropped for want of witnesses. In 1665 MacDonald of Keppoch and his brother were killed, and so powerless were the ordinary courts that a Commission of fire and sword was granted to Sir James Macdonald of Slate, against the murderers and their associates, 'by virtue whereof he killed and destroyed many, and besieged others in a house, and having forced them out by firing, he cut off their heads and presented them to the Privy Council to be set in public places.'

The Highlands were almost beyond the reach of law. Sixty oxen and seventeen cows belonging to Lyon of Muiresk were carried off by Patrick Roy Macgregor and others, who murdered and robbed, and exacted blackmail. The writer says 'this Patrick Roy Macgregor was a most notorious and villainous person, but of a most courageous and resolute mind. He was a little thick short man, red haired, and from thence called Roy Roy. He had red eyes like a hawk, and a fierce countenance which was remarked by every person. He endured the torture of the boots, in the Privy Council, with great obstinacy, and suffered many strokes at the cutting of his hands, with wonderful patience, to the great admiration of the spectators, the executioner having done his duty so ill that next day he was deposed for it.' In 1668 the Earl of Caithness and his friends to the number of six or seven hundred men harried the Shire of Sutherland, but actions by and against the Earl of Sutherland were compromised and withdrawn (pp. 255, 295). The most interesting trials in this volume are those of the unfortunate Covenanters, who after the fight at Rullion Green were taken prisoners. Notwithstanding the quarter granted to them on the field, forty-one men were brought to trial within a month, and on their own confession (extorted, in at least some cases, by torture) were found guilty. Ten were hanged in Edinburgh on the 7th December, 1666, six on the 14th, and nine on the 22nd, and in the same month, four were hanged in Glasgow, and twelve in Ayr and Dumfries. In the following August there was a mock trial of nearly sixty absent men, who were found guilty of taking part in the rising, and were sentenced to be hanged whenever they were found, and all their property was confiscated.

In many of the trials the pleadings and arguments of counsel are of great length. A long libel was read, then answers for the defence, then the Lord Advocate replies, the accused's Counsel 'duplys,' the Lord Advocate 'tryplys,' the Counsel 'quadruplys,' the Lord Advocate 'quintuplys,' and the Counsel 'sextuplys' (pp. 315, 318). Many of these arguments are foolish. Mr. Birnie, afterwards Lord Saline, had

a great practice in those days. In a trial for witchcraft he argued: 'It is an undoubted ground of law in the subject of witches that in *commutationibus et translationibus semper lucratur Demon*, and therefore the Demon does never loose a disease from one, but by transmitting it as from a person more significant, as from an elder to a younger, and from a beast to a man, whereas this lybelt bears the disease to have been translated from Katherine Wardlaw to the catt' (p. 12). If it were not for the horrible ending when women were strangled and burned, one would think the accusation and the defence to be fantastic nonsense.

The writer says of one trial, 'there is nothing remarkable in this process, for the libel is upon the common ground of compact with the Devil, renouncing of Baptism, keeping meetings with the Devil, and accepting his mark' (p. 4). A woman who was sentenced to death is said to have 'conversed with the Devil, and received a six-pence from him, the Devil saying how God had given her that, and had asked her how the minister was' (p. 9).

For one poor gentleman pity may be felt. Four men of rank, the eldest son of the Earl of Dalhousie, Douglas of Spott, Sir James Hume of Eccles, and Mr. William Douglas, son of the Laird of Whittingham, quarrelled over their cups at John Brown's, Vintner in Leith. They repaired to the Black Rocks on Leith Sands and fought with swords. William Douglas mortally wounded Sir James Hume; he did his best for the dying man, and asked his pardon; he and Douglas of Spott were arrested and imprisoned. Spott escaped from Edinburgh Castle. He never returned to Scotland. He sold his estate and became a Captain in the Scots regiment in France. Mr. William Douglas was less fortunate. He had 'almost escaped from the Tolbooth, having cut the stenchers of the window with aqua fortis, being ready to go away, he was taken.'

He was beheaded, but before he suffered 'he took the sole guilt upon him.'

ARCH. C. LAWRIE.

VESTERLANDENES INDFLYDELSE PAA NORDBOERNES OG SÆRLIG NORD-MÆNDENES YDRE KULTUR, LEVESÆT OG SAMFUNDSFORHOLD I VIKINGETIDEN. Af Alexander Bugge. 403 pp. Christiania, 1905.

FOR a lengthened period it was a recognised principle among students of the history and antiquities of the North to regard the Northern mythology, literature, and culture generally as of native origin and growth—as Carlyle has it, 'kindled in the great dark vortex of the Norse mind,' and gradually developed therefrom, on their own lines, in warfare, freedom, religion, and literature. It was on this assumption that the learned treatises of Munch, Steenstrup, and other Norse scholars were produced, notably the great work of Worsaae, *An Account of the Danes and Norwegians in England, Scotland, and Ireland*, published in 1852. Similarly, we in the British isles have regarded Runic inscrip-

tions, Viking swords, and other relics of the Norsemen, from time to time brought to light, as evidents of the far-reaching influence of their power and civilisation in our own area; while place-names and racial characteristics among ourselves and elsewhere have been recognised as testifying to the same effect.

But the learned world, so far as interested in Northern studies and resting complacently on this assumption, received a rude shock when in 1881 Dr. Sophus Bugge of Christiania published his *Studier over de nordiske Gude- og Heltesagns Oprindelse* (first series). In this work Professor Bugge propounded the theory that, whatever the earlier stages of the Norse mythology may have been, it was to a large extent reinforced by accretions and imitations from Classical and Christian lore acquired by Viking adventurers and Norse traders of the ninth and tenth centuries in their intercourse with Western peoples in England, Ireland, and France, the fragments so gathered being afterwards gradually elaborated in their colonies in Orkney, Shetland, the Faroe Isles, and Iceland; while their manners of life and civilisation generally were effectively moulded in all departments by influences from the same quarter. This view was naturally not appreciated from the native and patriotic point of view, and it was at once vigorously combated by, among others, the late Professor George Stephens of Copenhagen, who devoted eight public lectures in the University of that city to its condemnation.

From that time to the present opinions among Northern scholars have varied, some acquiescing in the new theory, others abiding by the traditional view. But the whole question is now summed up in an elaborate enquiry by Professor Alexander Bugge, the son of the promulgator of the new theory, in the important volume which is the subject of this notice. In his Preface (*Forord*) the author explains the origin of the book, namely, that it is a response to an enquiry propounded at a meeting of the Scientific Society of Christiania on 3rd May, 1900, as to how far the external culture of the people of the North, and especially of the Norwegians, and their modes of life and social economy, have been influenced from Western countries? A committee of learned Professors sat to adjudicate upon the communications received in reply, and by them the Fridtjof Nansen prize was awarded to Professor Bugge, the result of whose laborious investigation is before us.

The author disclaims philological or archæological skill in dealing with his subject, but there is abundant evidence throughout of wide acquaintance with French and German authorities and with the ancient Celtic remains of Ireland which bear upon the times and the events in question, as well as with the extensive field of Icelandic literature which must ever remain the groundwork of such investigations.

After a long and learned introduction, the author, in working out the argument, treats the enquiry under the following and other subsidiary heads, in all of which it may be said, in a word, that the alleged moulding influences of the West upon the life and culture of ancient Scandinavia are very fully explained and enforced.

1. *Government*.—The sovereign power, embracing under this head the

royal bodyguard, the external symbols of sovereignty, the state under King Harald Haarfagr, with his revenue regulations and administration generally; all described as having been based upon the model of Charlemagne.

2. *Apparel, Ornaments, Furniture, and Domestic arrangements.*—These are all considered to have been imitations of the Frankish and Anglo-Saxon. When the Vikings went out they were not barbarians, but had their own special characteristics and a tolerably high culture. Many of them became nominally Christians, but while professing to believe in Christ they invoked the aid of Thor for safety at sea and success in fight. They went out clad in their *Wadmal* (coarse native woollen cloth) and in garments of skin, but they came back in rich and variegated apparel, with the decorous manners of men of the West, while their inner culture received a marked development at the same time. Their views became wider, their contemplation of life deeper.

3. *Commerce, Shipbuilding, Shipping, Laying out of Towns.*—Great results came in these departments from the residence of Danes in London and their privileges there from the time of Knut (Canute) the Great, a steady commercial intercourse being kept up between England and the Scandinavian countries. The anchor, previously unknown, was then adopted by the Norsemen, and other improvements made. Towns were also laid out by them, not only at home in Norway but also in England.

4. *Warfare, Weapons, Accoutrements, Organisation and Equipment of the Army, Military Tactics, the Construction and Siege of Fortresses.*—The Norsemen had no cavalry until they adopted that arm in imitation of the French, from whom also the art of building castles and fortresses was derived. The so-called 'Viking' sword is attributed to a Frankish origin. Their buildings were all in rectangular form.¹

5. *Agriculture and Grazings.*—Turnip, cabbage, and other vegetables introduced. The Orcadians and Shetlanders were taught by 'Torf' Einar to use turf (peats), but the people of Norway always used wood for fuel. He must therefore have learned this from Ireland, for it is an old Gaelic custom.

6. *Coinage, Weights, and Measures.*—The impulse for minting was derived from the West, but the first coins struck in Ireland were by the Norsemen, and they were the first who carried on trade to any considerable extent between Ireland and foreign countries.

7. *Art.*—The Sculptured Stones of Gotland, Sweden, Denmark, and Norway are described, with numerous illustrations, exhibiting a close resemblance to Celtic and Anglo-Saxon monuments of the same class, though possessing a distinctly Norse feeling at the same time.

8. *The Norse Settlements in the Faroe Isles and Iceland* in their relation to Western and especially to Celtic culture.—Here the first settlers, though of Norse origin, are presumed to have come mainly from the previous settlements in the British isles, a view which has been accepted also by

¹ There is no hint here of any knowledge in Denmark, Norway, or Sweden of the building of round structures like the 'Brochs' of Orkney, Shetland, and Scotland (the *Duns* of Pictland), as some writers have vainly supposed.

Munch, by Sars, and by Finn Jónsson. Many personal names are clearly Celtic, *e.g.* Donaldur, Donach, Gilli the Lawman, Ketil, Kolman, Konall, Kormak, Njall, etc., while such place-names as Dungsansvik, Dungsansnes (Duncan's wick, ness), Patriksfjorðr, Brjanslækr, etc., tell unmistakably the same tale: the Irish monks being commemorated in Papey, Paplyli, Papatjorðr, etc.

After the foregoing survey of the main aspects of the life and civilisation of the Norsemen, the detailed illustrations of which we have been able only to glance at, the book is concluded by an important Postscript (*Efterskrift*), in which the whole is summed up in a resumé of the argument which has been indicated under our abstract of the different heads. The author observes that in Norway itself the impression of Western influences was naturally slow and not so deep, many of the home-dwellers living well into the middle ages very much as they did in the Viking time. It was upon the men who had travelled and mixed with Anglo-Saxon, French, and Irish men that the foreign culture and manners made an impress which in the course of time resolved itself into the characteristic type of Northern civilisation as it is historically understood. But it was in Orkney and Shetland, according to the author, that the influences of the West went deepest, so that these islands 'could be called the Cyprus and Crete of Northern culture,' a flattering unctio never previously applied to them.

While Professor Bugge accentuates so pointedly the influences of the West, he does not, however, do so without some reservations. On certain points he is not without doubts, and some of his conclusions he acknowledges to have since modified. Notwithstanding all that had been advanced in favour of the new view, he still claims that much that is best among the Norsemen had its roots in the home ground; that in shipbuilding and seamanship they themselves taught other nations, that by their example they gave an impulse to aspirations for law, freedom, social independence, in the foreign countries with which they came in contact; in short, that the foundations of life, spirit, and manners in the North were essentially Norse,—which is to a considerable extent what is contended for by his opponents.

In view of these admissions by the accomplished exponent of Western influences, some of his conclusions may possibly be regarded as open to question. It might be denied, for instance, that the Irish or other Celts had mythological stories in any way closely akin to those of the Norsemen. Runes, which Professor Bugge is inclined to treat as an adaptation from the Roman alphabet, are regarded by some as having had their origin far back in the ages before the Norsemen came in contact with Roman civilisation from the West, dating rather from the time when traders from the Grecian colonies in Scythia introduced their wares, with somewhat of their culture, among the Goths of Gotland and of Scandinavia. It may also be permissible to suppose that the northern mythology, in its earlier forms, may have been current for centuries prior not only to the Viking age of the ninth and tenth centuries, but also to the beginning of the 'Wanderings' of the Northmen, which Professor Bugge

with good reason would assign to the sixth, seventh, and eighth centuries. These myths are not likely to have had their origin in other lands and, after transplantation, to have grown to maturity in so short a space of time in Scandinavia. Certain it is that with the increase of intercourse between nations the influences of civilisation act and react, and it would indeed have been strange if, in the stirring periods of the Norsemen's 'Wanderings' and of the Viking age, the Scandinavian peninsula should not have been responsive to the strong currents of Western influence which were then everywhere encountered.

But while opinions may vary as to the wide and comprehensive scope of the author's conclusions, there can be no doubt as to the importance of the great series of facts bearing upon the subject which he has so laboriously accumulated, and which he has expounded with so much care and skill. The book must remain a monumental contribution to our knowledge of the development of civilisation in the north in an interesting and imperfectly understood period of European history.

It may be remarked, in conclusion, that the book is written in what professes to be modern Norse, or Norwegian, a kind of phonetic variation of the standard Dano-Norwegian hitherto commonly in use as the written language in both countries. As familiar examples may be cited 'Far' for *fader* (father), 'mor' for *moder* (mother), 'ha' for *have* (to have), 'gi' for *give* (to give), 'blir' for *bliver* (becomes), 'tusen' for *tusind* (thousand), and so on. Now, this may have the merit of being an approximation to the local pronunciation, and it may be supposed to have some flavour of a distinct national tongue; but it is not beautiful, and if largely persisted in it can scarcely fail prejudicially to affect the etymological significance of the language.

GILBERT GOUDIE.

A HISTORY OF ENGLISH POETRY. By W. J. Courthope, C.B., M.A., D.Litt., LL.D., late Professor of Poetry in the University of Oxford. Vol. V. pp. xxviii, 464. 8vo. London: Macmillan & Co. Ltd., 1905. 10s. nett.

MR. COURTHOPE makes steady progress with his *History of English Poetry*. Twelve months ago we reviewed the third and fourth volumes. In this fifth volume, which deals with the eighteenth century, we have the mature and unified treatment of a period of literature, on which the author has long been a recognised authority. We do not think that Mr. Courthope's method of regarding poetry as the imaginative expression of the national life has ever appeared to better advantage. Perhaps its greatest merit is that it emphasises the continuity of our literature, and disproves any sudden revolution in taste. If the volume shows anything, it shows the error of the old opinion that, 'after the Restoration, England naturalised French principles of art and criticism.' Another merit of the method is that it attends to contemporary reputation. Accordingly, we find that such men as Granville, Walsh, and Pomfret are treated at greater length than in any other account of eighteenth-century literature, and we are more

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struck than we should have been with the novelty of the special chapters on the translations of the Classics, religious lyrical poetry, and the poetical drama from Southerne to Brooke.

D. NICHOL SMITH.

A HISTORY OF MODERN ENGLAND. By Herbert Paul. In five volumes. Vol. IV. pp. vi, 411. 8vo. London: Macmillan & Co. Ltd., 1905. 8s. 6d. nett.

THE first three volumes of Mr. Paul's history, which give an account of the period from 1846 to 1875, have already been reviewed in these pages (*S.H.R.*, vol. ii. p. 445). The fourth, now published, tells the story of the next ten years with the same vigour and brilliance which were exhibited in its predecessors. These ten years include political events of peculiar interest at the present time, when the Christian Powers are once more intervening in Turkey, and with perhaps as little success, in behalf of a subject Province, and the question of Home Rule for Ireland is again rising above the political horizon at home. In this volume the narrative is resumed at what Mr. Paul calls 'The Storm in the East,' marked by the agitation in this country over the 'Bulgarian Atrocities,' and culminating in the Russian invasion of Turkey in 1876. It is continued to the fall of Mr. Gladstone's government in 1885, 'a critical year in the history of England.'

As the history reaches times within recent memory its interest increases, and a sense of the author's force and skill, his wide knowledge and his firm grasp, grows upon his readers. He is still a partisan, but not a blind one, and he reads his own party many a candid and salutary lesson.

This volume, like the others, is provided with an admirable index.

ANDREW MARSHALL.

THE ITINERARY IN WALES OF JOHN LELAND IN OR ABOUT THE YEARS 1536-1539. Extracted from his MSS. Arranged and edited by Lucy Toulmin Smith. Pp. xi, 152. Small 4to. London: George Bell & Sons, 1906. 10s. 6d. nett.

As a man of learning and of indefatigable industry in the collection of information and notes during his six years' travels in England and Wales, John Leland, the earliest of our antiquaries (1506-1522), has always held weight. There are few topographers, indeed, who have not consulted his pages or felt the impetus given by his patriotic labours. The material of the present volume was printed by Thomas Hearne so long ago as 1774, but it was worth presenting in its present form, furnished out, as it now is, with editorial notes, appendices, a map, and a good index. Leland's journeyings were made in stirring times, when the dissolution of the monasteries was in progress, and the Welsh and English territorial divisions were being rearranged and reconstructed. It was in 1535-36 that the important Act 'for lawes and justice to be ministered in Wales in like fourme as it is in England' was passed—the Act, in short, by

which the Principality was united to England; and in these records of the antiquary's (Miss Toulmin Smith must not say 'antiquarian's') travels the new order of things is constantly being reflected. It is this which gives the book its chief value. The editor explains that the sequence of notes and narrative is so broken in the original MS. that she has 'pieced together what appear the personal and quite possible lines of travel.' The result is that we have Leland's material in a very much more satisfactory form than he left it.

J. CUTHBERT HADDEN.

THE FAR EAST. By Archibald Little. Pp. vii, 334. Large 8vo. Oxford, at the Clarendon Press, 1905. Price 7s. 6d. nett.

THIS is one of the excellent series of books on 'The Regions of the World,' edited by Mr. H. J. MacKinder. The author informs us in his preface that not being a geographer or geologist by profession, he undertook the task with much diffidence; that he did so in the hope that his long personal acquaintance with most of the countries described, would make amends for the lack of expert knowledge, and that the power acquired by a life-long residence in the East, of imparting a 'local atmosphere' to his descriptions would atone for deficiencies which he is the first to recognise. He further explains that the book was written at a distance from the great literary centres, and thus it therefore lacks some of the wealth of detail and plethora of accurate information that distinguished the other volumes in the series.

These statements somewhat disarm criticism. While it is evident that the book is somewhat deficient in scientific method and arrangement, it contains a vast amount of information, much of which has been derived from the author's observation during a long residence in China, and his extended travels in the neighbouring countries. Mr. Little is well known as a writer on China, and as he is now one of the oldest foreign residents, he has had ample opportunities for the collection of information, and time for the formation of opinions. These latter, in some cases, are occasionally tinged with the results of his own environments and experience, like those of many others engaged in commerce in China. The introductory chapters are the most generally interesting, and give an account of what is included under the name of the Far East. Naturally, the chapters on China proper are the most complete, and they contain a great deal of useful information, not only on the physical conditions of the country, but also incidentally on other matters affecting the future of industry and commerce. Those on the dependencies, Manchuria, Mongolia, Turkestan, and Tibet, and on the whilom dependencies, Indo-China and Corea, and the buffer-state of Siam, are reliable accounts of these countries, chiefly compiled from well-known authorities. Regarding Mongolia, he says that when by means of railways it has been brought into contact with the Western world, and its resources have been developed, it will be found that there is more in it than the desert of Gobi. It and Manchuria are destined to become important industrial and commercial countries. The mineral sources of Corea appear to be

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fully as great, in proportion to her size, as are those of the neighbouring mainland, and probably greater than those of volcanic Japan. If Mr. Little had availed himself of the information contained in the new German edition of Dr. Rein's book on Japan (which has not yet been translated into English), he could have brought the part on the Island Empire more up-to-date. The book was written before the outbreak of the war between Japan and Russia, and the results of this have modified some of the conclusions arrived at. Mr. Little hopes that his work may serve as a modest introduction to a more complete study of the countries of the Far East, and as such, we have no hesitation in recommending it.

HENRY DYER.

MICHEL DE L'HOSPITAL AND HIS POLICY. By A. E. Shaw, M.A.
London: Frowde, 1905.

CET ouvrage sera lu avec fruit par ceux qui s'intéressent à l'histoire politique, religieuse et même littéraire du XVI^e siècle. La figure de l'illustre chancelier de France est difficile à saisir. Cette étude en précise nettement et définitivement les traits. La vie et l'œuvre de Michel de l'Hospital s'y trouve habilement et méthodiquement reconstituée. On sent que l'auteur aime son sujet, le peintre son modèle, et les nombreuses indications bibliographiques, si utiles aux chercheurs, démontrent que Mr. Shaw a puisé aux meilleures sources.

L'époque frivole et tumultueuse où veint l'Hospital rend son caractère encore plus sympathique et il y a lieu de féliciter sans réserve Mr. Shaw d'avoir évoqué cette belle figure qui non seulement commande le respect et l'admiration, mais encore 'demands affectionate regards.' Les érudits trouveront avec plaisir un 'Appendix' qui met en lumière des faits importants.

ETIENNE DUPONT.

OLD MAPS AND MAP MAKERS OF SCOTLAND. By John E. Shearer.
Pp. vi, 86. Cr. 4to. Stirling: R. S. Shearer & Son, 1905.

MR. SHEARER'S chosen task of republishing old maps of Scotland has found interesting variant in the issue of this attractive quarto sketch of the progress of cartography as applied to Scotland. Brief biographical notes on the map makers, from Strabo downward, and bibliographic data of the maps, are unpretentiously compiled, and convey a great deal of widely gathered information. The interest is heightened not a little by effective renderings in fac-simile of such beautiful maps as those of Ortelius published in 1570, Darfeville in 1583, and Gordon of Straloch in 1653.

CHURCH PROPERTY. The Benefice Lectures. By Thomas Burns,
F.R.S.E., F.S.A. (Scot). Pp. xv, 275. 4to. Edinburgh: George A. Morton, 1905. 6s. nett.

THESE lectures, to which the Rev. Dr. Macgregor, D.D., contributes a very eulogistic preface, were delivered for the benefit of intrants to the

ministry in the four Scottish Universities. They are divided into 'Church Records,' 'The Benefice,' and 'Sacramental Vessels and Church Furniture.' The first is the most interesting to the historian as the author recounts how the Scottish Church has become dispossessed of many of its MSS. 'Outed' incumbents removed many of the parish records during ecclesiastical changes. The Restoration Parliament deliberately burned others; the earliest Records of the General Assembly from 1560, after being mutilated by Archbishop Adamson, were removed to London from the Bass and finally lost on the way north by shipwreck. Other duplicates were transferred by Bishop Archibald Campbell, whose 'craze' took the form of 'collecting rare books,' to Zion College, and were eventually destroyed by fire in 1834. The author urges more care to be taken of the MSS. and all church property in the future, and gives what is exceedingly valuable, a detailed list of the Scottish Church Records which still are known to exist.

A. F. S.

There is an excess of disputation on method in inaugural lectures on history. The professors—a plague on their conflict of schools!—prolong debate about how they are best to teach. Mr. Oman, Chichele Professor of Modern History, in his *Inaugural Lecture on the Study of History* (Clarendon Press, 1906, pp. 30, 1s. nett) is the latest contributor to the discussion of the true province of history in the University curriculum. Is it to educate the plain man, or is it also to equip the 'researcher'? Sketching the introductory professorial deliverances of Stubbs, Freeman, Froude, and York-Powell, and treating Acton as a somewhat painful illustration of unfocussed studies, Professor Oman replies to Professor Firth's plea for historical teaching of history (see *S.H.R.* vol. ii. p. 339) by the contention that the University is a place much more of education than of research, seeing that so small a percentage of graduates can ever be destined to take up the burden of original research. A warm advocate of discovery as essential to real effort in history, Professor Oman urges the necessity of definiteness of studies, the importance of modern languages as compulsory subjects, and the wisdom of not waiting until the eleventh hour in putting forth a thesis of new conclusions. The risks of contradiction and qualification are as inevitable at the end of the day as at noon. Timidity and diffidence at times deprive us of good work. 'Knowledge not committed to paper is knowledge lost.' Mr. Oman raises a shrewd question when he asks why we have no real history of medieval Scotland.

We have received from Mr. C. Poyntz Stewart a reprint from *The Genealogist*, of his critical essay, *The Red and White Book of Menzies: a review* (Exeter: Pollard & Co., 1906. Pp. 20. 1s.). Of course Scottish antiquaries have known that the foolish *Red and White Book* was beneath serious attention. Mr. Poyntz Stewart's detailed scarification and exposure of its ignorance and ineptitude will, notwithstanding, be useful.

Messrs. A. & C. Black have added to their 'Who's who?' Series *The Writers' and Artists' Year Book, 1906, a Directory for Writers, Artists, and Photographers* (88 pages. Crown, 8vo. cloth. 1s. nett). This little volume contains lists of Papers and Magazines and many details of British and American Publishers, and other information which may be of interest to writers or artists. The usefulness of 'Who's who' is already so widely known that this supplement to the series will be welcomed.

A History of the Tron Church and Congregation is promised for the autumn by the Rev. D. Butler. It is to contain much biographical and topographical information about old Edinburgh from record sources, including interesting seat-lists of the church under Cromwell in 1650 and Prince Charlie in 1745.

In the *English Historical Review* (Jan.) there is discussed once more the alleged notarial 'Will' of James V. Mr. Morland Simpson, who maintains that it was no 'forgery,' misconstrues the well-known docquet *Schir Henry Balfour instrument that was never notar*, reading the last word as a reference to the instrument. That it refers to the man is self-evident. It seems pertinent to ask the disputants here, Mr. Lang, Prof. Hay Fleming, and Mr. Simpson, if Balfour really was an apostolic Notary as he styled himself.

Magazines old and new come regularly to us from home and foreign parts. Among foreign periodicals we note in the *Revue Historique* (Jan.-Feb.) an essay on the ordeal in Greece. The *Archiv für das Studium der neueren Sprachen* (December) contains a text edited with collations from twenty-nine manuscripts and incunabula of the *Disticha Catonis* paraphrased in English by Benedict Burgh. The *Annales de l'Est et du Nord* (Berger-Levrault, Nancy) is a new quarterly of Belgic history with, notably, burghal and battle studies. Its first year's work is both learned and attractive. Another new quarterly promising good service within our own seas is *Northern Notes and Queries* (Dodds, Quayside, New-castle), the columns of which open with a historical note on 'Clerical Celibacy in Carlisle Diocese,' by Rev. James Wilson. In the *American Historical Review* Dr. H. C. Lea has a study of Italian mysticism as exhibited in the career and condemnation of Miguel de Molinos (1630-96). The *Revue des Etudes Historiques* (Nov.-Dec.) has a lively and curious article on the dance in fifteenth to eighteenth century Italy, including the *gaillarde*, the *branse*, and the *giga*.

Only a general acknowledgment is possible for *The Iowa Journal*, *Kritische Blaetter*, *Review of Reviews*, etc., and numerous smaller periodicals on local antiquities, etc., such as *The Rutland Magazine*, *Berks, Bucks and Oxon Archæological Journal*, *Scottish Notes and Queries*. *The Reliquary* (Jan.) has pictures of the East Wemyss caves and a survey of recent Roman research spade-work.

Queries

A DISPUTED PASSAGE IN KNOX'S HISTORY. Knox is not usually an obscure writer, but the following passage (*History*, i. 92) has caused searchings of heart. I give it with the interpolation of Calderwood, and with the marginal note of David Buchanan (1644), both printed in italics. Knox writes: 'This finisshed,' (the Cardinal's doings with the dying James V.,) 'the Cardinall posted to the Quene, laity befor delivered, as said is. At the first sight of the Cardinall, sche said, "Welcome, my lord; is nott the King dead?" What moved hir so to conjecture, diverse men ar of diverse judgementis. Many whisper that of old his parte was in the pott, and that the suspicion thair of caused him to be inhibite the Quenis company. . . .' Here Calderwood, who has been transcribing Knox, interpolates, '*It was reported that he was disquieted with some unkindly medicine.*' David Buchanan (Knox's *History*, p. 34, 1644) has not Calderwood's interpolation, of course, but adds a marginal note of his own: '*Others stick not to say that the King was hastened away by a potion.*'

Knox's own narrative runs on from 'inhibite the Quenis company' thus, 'Howsoever it was befor, it is plane that after the Kingis death, and during the Cardinallis lyif, whosoever guydit the Court he got his secreat besynes sped of that gratiouse Lady, eyther by day or by nycht.'

The question arises, who is the subject of the sentence beginning 'Many whisper that of old his part was in the pott. . . .' I have never had any doubt that the subject is the King. The Queen says: 'Is not the King dead?' Knox's next sentence reports suspicions as to how the Queen could come 'so to conjecture' as to the King's death. For three or four days the King had been very near death, and the guess, whether made or not, was natural. Knox's next sentence begins: 'Many whisper that of old his part was in the pott,' that the King's part, death, was in the pot,—so I read it, and 'whisper' that this suspicion 'caused him to be inhibite the Quenis company.' This is mere tattle. If the whisperers thought that the King was too little with the Queen, they would say that he was 'inhibite'—by his doctor, perhaps.

That Calderwood understood the passage as I do, I gather from his interpolation, immediately following, 'causit him to be inhibite the Quenis company,'—'it was reported that he' (the same subject) 'was disquieted by some unkindly medicine.' Had Calderwood understood that not the King, but some one else, had his 'part in the pott,' and was 'inhibite the Quenis company,' he ought to have written: 'It was reported that the *King* was disquieted with some unkindly medicine.'

I take David Buchanan to have also read the passage as I do, because, as I read it, Knox asserted that many whispered that the King's part 'of old was in the pot,' that is, there was a design of long standing to poison the King. Buchanan, I think, in his note, means that others go even further than Knox's whisperers, 'others stick not to say that the King was hastened away by a potion.' There was not only an old design to poison the King, 'others say,' but it was actually carried out, and, as usual, there were murmurs to that absurd effect.

Knox then goes on: 'Howsoever it was befor,' that is, as I read it, whether the Cardinal and the Queen were, before James's death, in such close relations that they conspired to poison him;—or, if you please, whatever their relations were *before—after* the King's death, the Queen was the Cardinal's mistress. For that, of course, is the insinuation under 'the Cardinall got his secreat besyness sped of that gratiose Lady, eyther by day or by nycht.'

Before I became aware of the interpolation of Calderwood, and the marginal note of David Buchanan, I had supposed, and stated in my *History of Scotland* (1902) and my *John Knox and the Reformation*, that Knox reported rumours of a design, between the Cardinal and the Queen, to poison the King. After reading Calderwood and Buchanan, I believe firmly that they interpreted the Reformer's words as I do. But it has been objected that the person whose 'part was of old in the pot,' and who was 'inhibite,' or suspected to have been 'inhibite the Quenis company' is—Cardinal Beaton. What the phrase, 'part in the pot,' may mean, on that showing, is, I guess, that the Cardinal was, of old, the Queen's lover. It would be interesting to learn whether any other example of the use of 'the pot' in that sense occurs. That James was rumoured to be jealous of the Cardinal is certain (Sadley reports the tattle among others). Such rumours are always current about kings and queens. That the Cardinal would be supposed to be 'inhibite the Quenis company,' if he chanced seldom to be in it, (which nobody proves), is also certain, given human nature, especially in Scotland at that period. That the sentence beginning 'Howsoever it was befor' makes perfectly good sense, if the Cardinal is the subject suspected of having been 'inhibite the Quenis company,' is also obvious. But I do not see that it makes worse sense if the passage is understood as I understand it; while if the King could 'inhibit' the Cardinal: the King's medical and other advisers, if suspicious, (and many of them, like Michael Durham, *were* suspicious, being Protestants), could 'inhibit' the King.

If Calderwood did not agree with me, he understood the subject of 'Is not the King dead?' to be, of course, the King. The 'he' in the very next sentence, Calderwood understood to be the Cardinal. The 'he' in his own interpolated sentence which follows 'it was reported that *he* was disquieted with unkindly medicine,' Calderwood, on this showing, meant to go back to the King *again*! This appears to me to be an impossible hypothesis. Again, if Buchanan did not understand that 'the part in the pot' was poison, meant for the King, why should he note that 'others stick not to say' that the King was actually poisoned?

If I am wrong, I can plead that the Reformer expressed his insinuation with appropriate obscurity. If I am right, he is only adding old 'whispers' of others about a design of murder, to his own often repeated broad hint at adultery on the part of Mary of Guise, 'that noble lady,' as George Buchanan calls her.

ANDREW LANG.

LAST DAYS OF JAMES V. After writing the last note it occurred to me to find out how James V. passed the fortnight between the defeat of Solway Moss (November 24) and his arrival at Falkland to die there (December 6-7). Not one of our historians, I think, mentions that James, out of this fortnight, passed nearly a week with his Queen at Linlithgow. Knox says nothing of that, but mentions a visit by James to one of his mistresses, 'houres' is the Reformer's word.

From entries in the MS. *Liber Emptorum* and Treasurer's Accounts, and in the *Register of the Great Seal*, I find that James was—

Nov. 24. At Lochmaben.

Nov. 25-26. At Peebles.

Nov. 26-30. At Edinburgh.

Nov. 29. He received a letter from the Queen at Linlithgow.

Nov. 30. He went to Linlithgow to the Queen.

Nov. 30—Dec. 5. He was at Linlithgow.

Dec. 6-7. He appears to have been at Linlithgow (uncertain).

Dec. 7. He took to his bed at Falkland. '*Aegrotat.*'

He died at midnight on Dec. 14, or Dec. 15.

The *Liber Emptorum* gives each date on different pages.

ANDREW LANG.

ST. GILES AND CHILDREN. When describing Pont-Audemer in Normandy, Mrs. Katharine S. Macquoid in her *Through Normandy* (p. 303) says: 'We had been told that there was to be a special service for children on the fête of St. Gilles, and that all timid children were brought to church by their mothers on this day to cure them of fear of being left in the dark. Very early indeed, even before we went out, we saw a mother carrying a smartly dressed child to church; but by ten o'clock the children's service was over, and only a few of the little ones stayed for *la grande messe.*' Husenbeth in his *Emblems of Saints* (pp. 356-7) assigns as the patrons of children St. Nicholas and St. Ursula, and as the patron of infants St. Verena. In Baring-Gould's *Lives of the Saints* there is nothing to connect her with infants; but what is of interest is the fact that her day in the Calendar is 1st September—the festival of St. Giles. The hind is a familiar attribute of the latter saint in allusion to its having sought refuge at his side when pursued by hunters. In her *Sacred and Legendary Art* (vol. ii. p. 769) Mrs. Jamieson says: 'He (St. Giles) was the patron saint of the woodland, of lepers, beggars, cripples; and of those struck by some sudden misery, and driven into solitude like the wounded hart or hind.' Is there any incident in the saint's history connecting him with children?

18 Colinton Road, Edinburgh.

J. M. MACKINLAY.

Communications and Replies

THE ANDREAS AND ST. ANDREW. The article on this subject in the *Scottish Antiquary* for January, 1906, contains much that is interesting. But it is distressing to see the unhappy misstatements as to the connexion of *Andreas* with the *Fata Apostolorum*, owing to the repetition of the old misleading guesses upon this subject.

The writer has obviously never seen my article at p. 408 of *An English Miscellany*, Oxford, 1901. I there show that these poems have never yet, to this day, been printed as they exist in the Vercelli MS.; but rather, on the contrary, all kinds of fictions have been published by the editors, who wholly ignore the true division of the poem (for it is all *one* poem in the MS.) into fits or cantos. It was possible for them to do so in former days, because the MS. was so inaccessible. But the beautiful facsimile of this Vercelli MS., issued by Wülker in 1894, renders a repetition of the old fictions deplorable.

Every possible mystification has been perpetrated. The poem (though it ends with FINIT, followed by a blank quarter of a page) has been cut into two parts, each of which has been called by an inappropriate name. There is no such poem as *Andreas*, if we are to judge by its actual contents. There is no title in the MS., but the author himself (who presumably knew his own intention) announces, in ll. 2-11, that his subject is *The Twelve Apostles*. Having said this, he first singles out, *not* St. Andrew, but St. Matthew, as his principal subject; and St. Andrew is afterwards introduced incidentally, because it was he who came to the rescue of St. Matthew when he got into trouble. The fact that St. Andrew's adventures on this occasion are treated of at great length does not alter the fact that St. Matthew is first considered. The poem consists of 16 fits or cantos. The subject (says the author) is *The Twelve Apostles* (as above). The first 15 fits give, at great length, the story of St. Matthew, and his rescue by St. Andrew. In the 16th, the author reverts to the theme he had at first announced; but, finding that the whole story would be too long, accounts for the rest of the Apostles by merely mentioning their ultimate fates.

The facts which have been misrepresented are these:

1. The poem is divided into 16 cantos; these are not numbered, but are distinguished by capital letters at the beginning, and by the occurrence of a space of *one* line only between them.

But Thorpe shows this in a most meagre way, by using just a short line, about a third of an inch long. And when he comes to the 16th canto, or epilogue, instead of marking the end of the 15th canto as usual,

he draws a double line, ends the page, and starts a new page, with the heading: 'The Fates of the Twelve Apostles, a Fragment'; and makes it a fragment (!) sure enough, by calmly ignoring the last page of the MS. on account of its dirty state, though most of it is clearly legible.

2. Next Grein, who never saw the MS., divides the poem into *twelve* cantos, out of his own head, wrongly; separates the last canto from the rest, wrongly; and actually places it at the *beginning*! That is how the epilogue came to be separated from the rest still more effectually than before, viz. by sheer force.

3. Kemble omits the epilogue altogether.

4. Baskerville divides the poem (*i.e.* 15 fits of it) into 29 fits; all out of his own head, and all in the wrong places.

5. Because Thorpe omitted the last 27 lines, Grein omits them also.

6. Professor Napier printed the last 27 lines in the *Zeitschrift für deutsches Altertum*, vol. xxxiii. But he is not our only witness; for Sievers discusses them in *Anglia*, vol. xiii. And again, Wülker (independently) prints them so as to show exactly how much is legible, at p. viii of the Introduction to his *Facsimile of the MS.* The statement that 'Professor Napier came upon a set of lines containing the runes of the name of Cynewulf' is due to a complete misapprehension; for every one who consults the MS. will see that no one can miss the lines in question. They are simply the very lines which Thorpe so coolly ignored! And to say that there is doubt as to the incorporation in the *Fates* of these runic lines is a direct ignoring of the MS. itself. Even in the parts that are legible any one can see the runes *U* and *L*; and Professor Wülker could read the statement that 'F thær on ende standath,' *i.e.* that 'F stands at the end thereof,' which is true for Cynewulf, surely. We need not all shut our eyes in order to support needless paradoxes.

I cannot give all my arguments all over again. My former article occupied thirteen pages, tightly packed, for the most part, with solid facts that cannot be ignored. Briefly, even the facsimile of the MS., which ought to be accessible, fully proves that the poem wrongly called *The Fates* is part and parcel of the poem wrongly called *Andreas* instead of *The Twelve Apostles*. It is a mere epilogue, never even to this day printed in full; and it contains the letters F, W, U, L (*i.e.* WULF, for we are told that F comes last), followed by CYN. The scribe seems to have omitted the line involving E; but we have in any case, the letters CYNWULF (F is at the *end*); and it is mere perversity to ignore this, and to pretend that there is no evidence!

But all experience shows that when a matter has been misunderstood to such an extent as this unlucky poem has been, preconceived ideas are sure to arise against which the direct testimony of a manuscript is powerless. I do not write to convince others, but rather to point out a method whereby they may convince themselves. If Thorpe had printed the poem *in full*, all subsequent trouble might have been saved. And he never ought to have cut away the epilogue from the rest, in contradiction of the evidence.

WALTER W. SKEAT.

THE SCOTTISH CHURCH MILITANT OF 1640-3. That the great national uprising against the Crown which took place in Scotland in 1639, was indirectly due to the Church, is a matter of notoriety; the direct part played by Kirk Sessions in the struggle, in regard to the enrolment of forces and supply of their necessary equipment, is not so well known.

A few references to the matter are found in the Minutes of the Kirk Session of St. Cuthbert's, Edinburgh—probably the most perfect series of parish records now extant—which throw some light on the subject.

The first notice appears in the minute of the meeting of 2nd July, 1640, in the shape of a memorandum for pulpit use on the following Sunday. It runs thus:

'To admonish the people to be at the Sands in Leith on Monday at five hours in the morning the cheist men in the paroch to be at the Committee on Monday at ane efternone.'

This evidently refers to the gathering of forces for the approaching invasion of England, and the muster at Dunglass, where, by the middle of the month, Leslie found himself at the head of a force of 20,000 foot and 2000 horse. Conscription in this high-handed fashion was a disagreeable novelty, and even though the injunction came from the pulpit, apparently no attention was paid to it, as may be inferred from the next reference to military matters appearing.

July 23. 'The haill heritors to be at the Committee on Fryday 24th July and in special, Mr. Samuel Johnston and James Duncan. Captain Inglis appeared before the Session and showed ane warrand fra the Committee for taking up the names and desiryt ye ministers to choose with him quilk they promised, the number in this paroch extending to sixty-five men.'

In the minute of the next meeting the following entry is interpolated in an irregular fashion: 'Durie his discharge of the voluntarie contributione resaved ye 24th July 1640, fra Mr. William Arthur and Mr. James Reid ministers at the West Church, and Mr. Neper thesaurer the soun of acht hundreth threescore nyne punds fiftene, and that for the voluntar contributione of the paroch of St. Cuthberts—sindit wt his hand foresaid.'

Mr. Arthur was a man of some note in the Church. With his colleague, Mr. Dickson, he gave offence in 1619 to the Episcopal party in power at the time, by their refusal to comply with the Royal command that in the celebration of the Lord's Supper the elements should be dispensed to the communicants only when in a kneeling posture. Dickson was specially obnoxious—his wife's sister, it may be mentioned, was Mrs. Mein or Mean, who, according to Woodrow, played the part popularly ascribed to Jenny Geddes—and he was ordered to enter himself in ward in Dumbarton Castle; but Arthur, owing to his friendship with some of the bishops, was more leniently treated. At this time (1640) he was an old man, having been inducted to the parish in 1607. Mr. Neper was William Neper or Napier of Wrichtishouses.¹ The voluntary con-

¹ The demolition of this picturesque old mansion, to make room for Gillespie's Hospital, Wilson much regrets in his *Memorials of Edinburgh*.

tribution, if gauged by the difficulty the Kirk Session had in raising smaller sums for the maintenance of the church fabric, was a liberal one, but nevertheless, it suggests, in a striking manner, the extreme poverty of the country. According to douce Davy Deans: 'In those days folk did see men deliver up their siller to the State's use as if it had been as muckle slate stanes,' but yet the contribution actually amounted to only £72 10s. sterling. Three years later, when money was being raised in England for the purpose of putting down the Irish Rebellion and relieving the afflicted Protestants, John Hampden's individual subscription was £1000.

'1641. Sept. 10. Memorandum to remember in the Sermon the happie success of the Arms at Newcastle.'

This refers to the capture of Newcastle by Alexander Leslie on the 30th August.

'Sept. 2. Memorandum that a solemn feast for praising god be kept on Tuesday the 7th September for the happie and safe returne of our armie from England.'

On 25th August Leslie had re-crossed the Tweed. It was immediately before this—on the 14th of the same month—that Charles entered Edinburgh, in the vain hope of winning the affections of his northern subjects.

In the end of 1643 the Scottish Estates resolved to join the forces of the Parliament in their revolt against the Crown, and dispatched the army which played such an important part at Marston Moor and other places. The following entries with regard to this second expedition occur:

'1643. Sept. 7. Memorandum—that all the noblemen, heritors, and freeholders meitt on Tuesday next in the Parliament House, to reccave orders for taking up of the fencible men in the paroch.'

'Sept. 14. Innerleith, Coattes, Brouchton, Deane, and the ministers to go through the parochie to tak up the names of the fencible men within the parochie according to the book of examination as the Committee has ordained.'

'Sept. 21. To advertise the heritors gentilmen to be on Fryday next at the Committee and everie Tuesday following during the sitting of yr off.'

'Dec. 28. Ane general faste appoynted to be kept on Sunday cam 8 dayes and the Wednesday following.'¹

'1644. Jany. 18. No Sessioun keiped the preceeding Thursday in respect the presbitrie did meit concerning sundrie necessarie affaires for furthering the present expeditioun for England.'

'Jany. 25. The Committee of the schyre desires two gentilmen of the parochie to attend everie Monday the Committee for the public affaires.'

'Novr. 21. Richard Hendersone be ordinance of the Sessione gave in to James Riddell, Collector for the soldiers clothes, two hundreth fiftie merk twelf shillings and of clothes 23 pair hose, 23 pair shone.'

Though not quite germane to the subject, it is perhaps worth while noting, as showing the domineering way in which the regnant faction

¹ This was in view of the approaching departure of the Scottish Army, which, on the 19th of January, for the second time crossed the Tweed.

in the Church then acted, that after the defeat of the Scottish Army under the command of the Duke of Hamilton at Preston, all those of the parish who had taken part in it, were called to account. This expedition was styled 'The Unlawful Engagement,' and several references to it occur in the minutes. Sir William Nisbet of Dean, a leading heritor, was one of the officers in command, and apparently quite a large contingent from St. Cuthbert's had marched under him.

The first notice regarding this is in reference to a William Wilsone, who had given in his name to the session clerk in order that the proclamation of the banns of his intended marriage might be made: but he was one of the offenders, and before the proclamation of banns was allowed, his brother had to become his surety under a penalty of forty pounds that the said William would satisfy the Church for being a party to 'the engagement.' This seems a very shabby way of getting at a man, but not many of those who fought at Preston were in Wilson's position, and in order to reach the rank and file of those who had disobeyed their injunctions, the Church apparently had recourse to a very ingenious plan. The following entries would lead us to infer that a resolution was passed, that in the then critical position of affairs, it was desirable that the Solemn League and Covenant should be again sworn to and subscribed. There is nothing to show that this was the result of any general ordinance by the Church; indeed, there was no specific reason for such action, for it had been generally sworn to and subscribed at the time—August 1643—of its being passed, and regulations were then issued as to those who must sign it in the future. Peterkin says nothing on the subject, and I am inclined to think that it was the action merely of individual presbyteries; unfortunately, the records of the Presbytery of Edinburgh are no longer in existence, so that the matter cannot certainly be determined; but by whomsoever devised, the measure was one potent for the purpose in view. To those who refused to sign it in 1643, no mercy was shown, their goods might be confiscated for public use, and they themselves banished from the kingdom; the spirit of the Church was now even more rampant. For residents in Rome it is a dangerous thing to quarrel with the Pope—there were many Popes in Scotland then—and practically all who had offended were willing to sign. But a question arose, Could such as were under the Church's censure be allowed to take part in such a solemnity without, in the first place, acknowledging their fault, and undergoing a public rebuke; and, if they declined to submit to this humiliation, was it not tantamount to refusing to subscribe? The entries which refer to the matter are as follows:

'1648. Nov. 14. The present day being the fasting day before the subscribing and renewing of the Leag and Covenant the names of them that had beine in the Unlawful Engagement quho upon their repentance was received follows.' Here are appended no fewer than 50 names, beginning with those of 'William Neper, Robert Thomsone, etc.'

'1649. June 10. James Somervell and Hew M'Lene for being in the Unlawful Engagement under the Duke of Hamilton professed their sorrow

therefor, disclaimed the lawfulness thereof, and were rescaved and therefor admitted to the subscribing of the Covenant.'

'Oct. 18. Intimation to be made the next Sabbath that all these quho are refused the Church benefits, etc., for being in the Ingagement that they address themselves to the presbitrie and offer satisfacione afterwards, othertwaives the censures of the Church to passe against them.'

It would appear from the way in which the matter drags on, that although the most of those who had offended saw fit to make their submission at once, others stood out until forced by pressure of circumstances to bow the knee. One of the last to do this was Sir William Nisbet of Dean, who had been the leader; he seems to have made his peace in 1650. After this date nothing more is heard of the matter. Four months later the battle of Dunbar was fought, when the reign of priestcraft may be said to have come to an end.

GEORGE LORIMER.

Durisdeer, Gillsland Road, Edinburgh.

THE CAMPBELL ARMS. In his article on *The Scottish Peerage*, in the number of this Review for October 1904, Mr. J. H. Stevenson puts the question (vol. ii. p. 13): 'If the Campbells are Normans, are their well-known arms—*gyronny of eight*—anything other than the four limbs and four spaces of a cross, such as a Norman might have drawn?' The objections to this are: (1) If a cross was meant, it might as well have been drawn; for it would have been easier to draw a cross than eight gyrons; and (2) Among the eight gyrons it would be impossible to tell which was the cross and which the field. Indeed the first thing to be remarked about the arms is that they consist entirely of field, and that the arrangement of this field is of great beauty, presenting now four black gyrons on a gold ground, now four gold gyrons on a black. The beauty of this arrangement may have occurred to Menestrier, who, in giving the similar arms of Berenger,—*parti, tranché, taillé, coupé*,—adds *qui est bien rangé* (*L'Usage des Armoiries* 1673, p. 50) showing that he considered them an example of *armoiries parlantes*. May not a similar allusion to the bearer's name be found in the arms of the surname Campbell? No doubt the most approved derivation of that surname is from *cam beul*, making it signify *wry mouth*; but its resemblance to *campum bellum* must have been early recognised; just as Beauchamp, the surname of the earlier Earls of Warwick, was rendered by *de Bello Campo*; and as the title of Montrose was translated *Montis rosarum*, although derived from the lands of Munross, a Celtic name of totally different meaning. The analogy in this latter case is carried a step further; for the arms of the Duke of Montrose have in the second and third quarters, *argent, three roses gules*, in fanciful allusion to the title. The surname Campbell would thus come to have the meaning of *fair field*, which could not be more appropriately expressed in heraldry than by *gyronny of eight or and sable*.

GEO. WILL. CAMPBELL.

The Spinney, Coundon.

ADDER'S HEAD AND PEACOCK'S TAIL. In answer to Dr. J. A. H. Murray's note on this point in the *S.H.R.* of January, I give the line which contains the simile :

Le ceann nathrach bidh (bithidh) earbull pencaig air.

The word *nathair* here used does not specifically distinguish the adder from others of the serpent order, but is used indiscriminately to indicate both snake and viper, and of the former several varieties are common in the Highlands. In the west coast of Ross-shire the adder is known as *nathair-nimhe* (*nimh* = poison) and although that compound word does not appear in the Gaelic-English Dictionaries of MacLeod and Dewar, MacAlpine, or MacEachen, the translators of the Bible have it in Gen. xlix. 17, *Bithidh Dan 'n a nathair air an ròd, 'n a nathair-nimhe air an t-slighe*; = 'Dan shall be a serpent in the way, and an adder in the path.'

MacKenzie's *English-Gaelic Dictionary* has the following equivalents :

Adder = *Aithir* ; *Beithir*.

Snake = *Righinn* ; *Nathair-shuairc*. (*suairc* = mild.)

Viper = *Nathair-nimhe* ; *Baobh*.

MacLeod and Dewar also render *Nathair-nimhe* and *Baobh* as viper. In the West Lowlands the local pronunciation of adder is (phonetically) *èth-air*.

In Jamieson's *Scottish Dictionary* there are several examples of early references to the peacock under the Scottish equivalents of Pown and Pownie, evident corruptions of the Latin, *pavo*, or the French, *paon*. Jamieson quotes a passage from Gawain Douglas's 'Virgil's *Æneid*.' A stately dance of the sixteenth century was called the 'Pavane,' apparently derived from the name of the peacock. A curious passage in the unpublished MSS. of Zachary Boyd, now in Glasgow University Library, enumerates the dances which the Daughter of Herodias purposed performing before Herod. Among these are 'the Pavane,' 'the Drunken Dance,' and 'Stravetespy.' Possibly this passage is the last in which the pavane is mentioned, and the first to allude to the strathspey.

A. H. MILLAR.

THE FIRST HIGHLAND REGIMENT. (*S.H.R.* vol. iii. p. 29, n. 8.) With reference to the statement in the note that 'the estate [of Barbreck, Craignish] passed to the Duke of Argyll in 1732,' the following facts may be of interest :

In 1662 heavy fines were imposed upon those gentlemen, who had made themselves obnoxious to the Government by taking up the Presbyterian cause, and Donald Campbell of Barbreck was called upon to pay for his indemnity the sum of £2666 3s. The estate was thus permanently impoverished. Debts increased upon the family, until 1732, when the creditors interfered, and tried to sell part of the estate. John, 1st Duke of Argyll, however, as Feudal Superior, claimed his ancient rights over the property, and asserted that the Charter 'secures to the Feudal Superior against creditors.' And he contended that, in consequence of the attempt of Archd. Campbell of Barbreck, the proprietor, to sell a portion for

payment of his debts, the estate reverted to himself. The Court of Session decided several times against the Duke, but the House of Lords (after the interlocutor of the Court of Session had been twice adhered to) finally decided in his favour. On the 10th May, 1732, it passed into his hands, until 1754, when it was bought from the Duke by Capt. Archd. Campbell, aide-de-camp to General Bland, Commander-in-Chief in Scotland. Capt. Archd. Campbell was a nephew to the late proprietor, and it seems probable that the Duke's main reason for asserting his claim was to preserve the estate to the family. (See a pamphlet by Frederick William Campbell of Barbreck, containing an account of his family, printed at Ipswich in 1830.)

In 1767 Capt. Archd. Campbell sold Barbreck to Major-General John Campbell of Ballimore, whose father was the second son of Alexander Campbell, sixth of Lochnell. This Major-General John Campbell commanded Fraser's Highlanders at Quebec in 1759. And in a letter referring to this action, General Duncan Campbell of Lochnell says, 'He went into the action a junior Major, and he came out of it commanding the regiment.'

Major-General John Campbell subsequently raised the old 74th, or Argyllshire regiment, the men being drawn chiefly from Lochnell and Barbreck. The present proprietor of Barbreck—James A. Campbell of Achanduin and Barbreck—is the General's direct representative.

W. H. MACLEOD.

SIR ARCHIBALD LAWRIE AND THE SWINTON CHARTERS. Last July I was permitted (*S.H.R.* vol. ii. p. 475) to reply to Sir Archibald's condemnation, in his *Early Scottish Charters prior to 1153*, of King David's charters of Swinton to his knight Hernulf, and I am loath to trouble you again on the subject. But I think it right to put on record in the pages of the *Scottish Historical Review* that I have since printed, in the *Athenæum* of February 3rd, a lengthy note in which Doctors Warner and Kenyon and Mr. Ellis of the Manuscript Department of the British Museum, Mr. Maitland Thomson of the Scottish Historical Department in Edinburgh, and Canon Greenwell of Durham, writing as experts and from their different points of view, allowed me to quote them severally as having carefully examined the original documents and as having no doubt of their authenticity.

GEORGE S. C. SWINTON.

MABON. In reference to the observations of Sir Herbert Maxwell as to the residence of 'Mabon' or 'Maben' (*S.H.R.* vol. iii. p. 243), it is perhaps not generally known that there is a small hill in the Parish of Dolphinton in the Upper Ward of Lanarkshire called Carmaben, which was, in the beginning of the seventeenth century, the seat of the Browns of Carmaben, afterwards known as the Browns of Dolphinton. I have been informed by the tenant of the ground that in ploughing the land traces of the foundations of an early building on the summit of the hill were quite apparent. Is this not more likely to have been the residence of Mabon than the other place suggested?

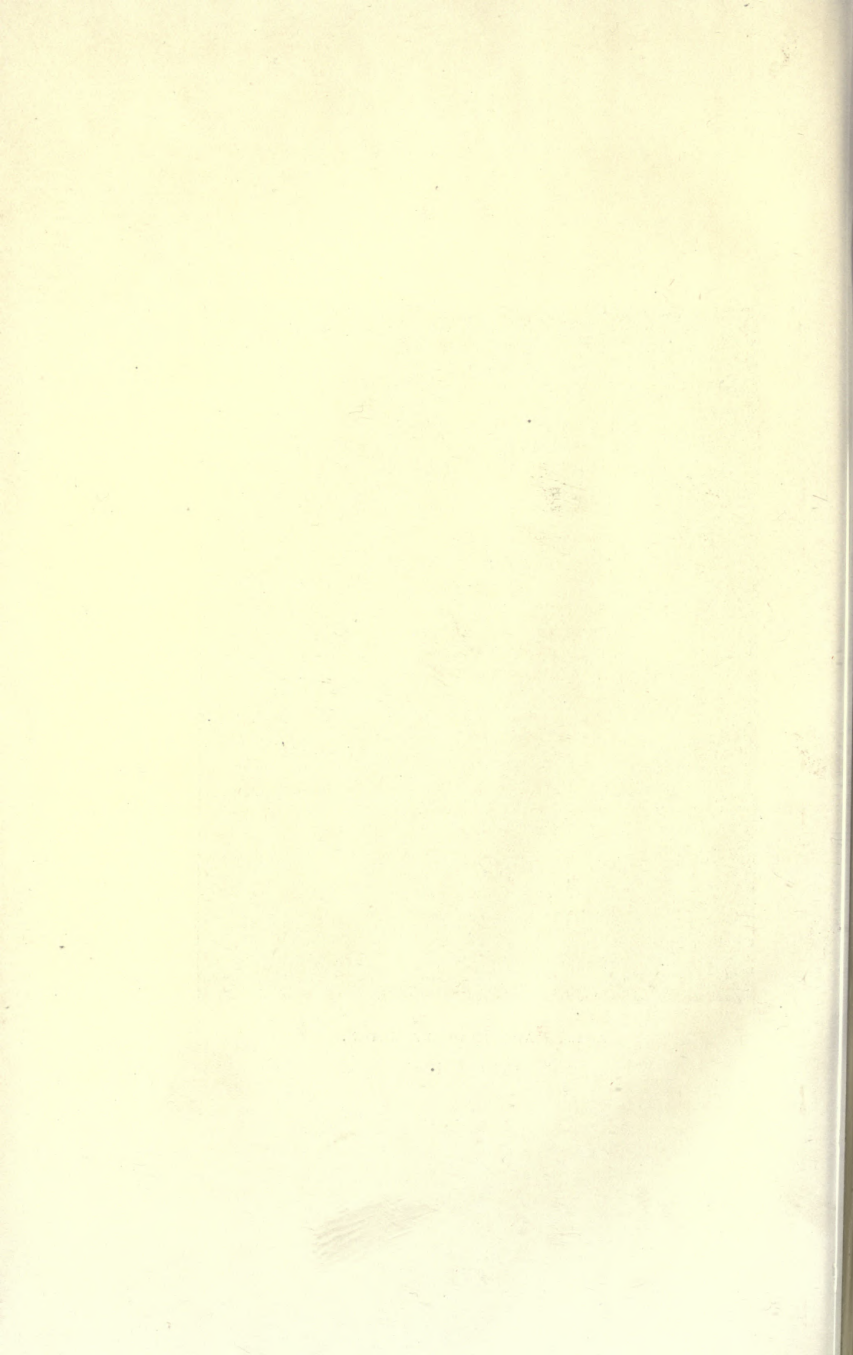
23a St. Andrew Square, Edinburgh.

RICHARD BROWN.



JAMES, MARQUIS OF HAMILTON.

1589-1624.



Notes and Comments

JAMES VI. and I. in 1621 witnessed, at Burley-on-the-Hill, the *Masque of the Metamorphosed Gipsies*, written in honour of the Court by Ben Jonson. The outline and bearings of this topical and rather third-rate piece are interestingly shown by Mr. Vere Hodge in the October number of *The Rutland Magazine* (Oakham: G. Phillips). Among the characters is James, Marquis of Hamilton (born 1589, died 1624), whose likeness, painted by Van Somers, was engraved for *Lodge's Portraits*. Mr. Phillips has kindly allowed us the use of his reproduction. In the *Masque*, the Marquis has his fortune told by one of the gipsies, who reads his palm:

*James, 2nd
Marquis of
Hamilton.*

Only your hand, sir! and welcome to Court!
Here is a man both for earnest and sport
You were lately employ'd,
And your master has joy'd
To have such in his train,
So well can sustain
His person abroad,
And not shrink for the load.

The allusion apparently is to the diplomatic success of the Marquis as the King's Commissioner at the Scots Parliament of 1621, when delicate business over the Articles of Perth was on the carpet. The portrait confirms contemporary accounts, that he was a goodly gentleman.

ON 10th February, 1306, Robert the Bruce, after the slaying of Sir John Comyn at the Greyfriars' Church of Dumfries, mounted Comyn's charger, rode to the castle of Dumfries and took it. And thus, according to the chronicler Hemmingburgh, Bruce began the campaign which was to be maintained through many an adverse fate until the independence of the kingdom of Scotland was established. There was, therefore, good ground for celebrating so important a sexcentenary anniversary by the function at Dumfries on 10th February, 1906, when a memorial foundation stone was laid at Castledykes, on the Nith, a little below the town, within the moated enclosure which, in 1306, was the castle of Dumfries. The memorial stone is suitably inscribed with reference to the capture of the castle, as the inauguration of a fresh and finally successful effort towards the liberation of the country.

*Robert
the
Bruce.*

There were eloquent speeches fitting the occasion by Mr. William Murray of Murraythwaite, and Provost Glover of Dumfries, and in the evening Sir George Douglas delivered a stirring patriotic oration.

We would draw the attention of those of our readers interested in the *Separation of Church and State* in France to a short pamphlet, *Après la Séparation, suivi du Texte de la Loi concernant la Séparation des Eglises et de l'Etat*, par le Comte d'Haussonville in France. (Perrin et Cie. Paris. Pp. 92. Prix 0'50), published in January last. M. d'Haussonville approaches the subject from the liberal lay Catholic point of view, but the special value of his *brochure* consists in the light it throws on the possibilities for working of the new act, particularly on the significance and probable constitution of the *Associations Cultuelles*, to which the law proposes to entrust the administering of the goods of the churches and the providing for all necessary expenses. M. d'Haussonville's paper is followed by the text of the law.

In his excellent presidential address to the Royal Historical Society, which appears in the last number of the *Transactions* of that Society, Dr. Prothero, on retiring from the office of President, draws attention to the comparatively narrow scope of the papers published in its *Transactions*. He points out that during the four years of his office only two out of twenty-four papers are on foreign subjects, and only two or three more 'while primarily concerned with English affairs, have touched Continental history. Nearly half the papers—eleven out of twenty-four—have dealt with the medieval period. There have been only two on the history of the nineteenth century. There have been no papers on Greek or Roman history, none, in fact, on any period before the Norman Conquest.'

The present volume bears out these remarks. All its papers deal with medieval or sixteenth and seventeenth century history, and none is devoted to Continental history as such. Mr. Mason's interesting 'Beginnings of the Cistercian Order' can hardly be strictly classed under foreign history, since its subject is one which influenced English medieval life and thought in common with those of other Catholic countries, while Miss Edith Routh's careful study on the English occupation of Tangier (1661-1683), only touches on Continental history in connection with that of England. Irish, Welsh, and Scotch history are untouched. There is nothing in the title of the Society to preclude a wider scope, and its Fellows are therefore free to avail themselves of their ex-President's suggestions, and thus increase the interest of the good work done by their Society.

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The Connexion between Scotland and Man

OF the four countries adjacent to the Isle of Man Scotland is nearest, and has had perhaps the most intimate connexion with it. So close, indeed, is *Nolbin* (Alban), as the Manxmen call it, that its Galloway coast is visible from Man on every clear day throughout the year.

Before dwelling upon such instances of this connexion as are known to history, we will briefly indicate how nearly the *Albanach*¹ and the *Manninagh* are allied in race and language. By the beginning of our era the pre-Aryan peoples in Man had probably been partly displaced by a Belgic race, called Mevanian, which has given its name to the island.² This race, which was Goidelic, also settled in the Isles and on both sides of the Forth estuary,³ as well as in parts of Wales and Ireland. Nor is it unlikely that the Picts (also, we believe, of Goidelic origin)⁴ settled in Man.⁵ Both Man and Scotland had, before the fifth century, received colonists from the kindred race of the Irish *Scoti*,⁶ and, finally, between the ninth and eleventh

¹ i.e. the native of the Western isles and west and north coasts of Scotland. The native of the Lothians is as alien to the Manxman as the native of Kent or Sussex.

² 'A people whose name stem is Mēnāp-, Mōnāp-, or Manap-' (*Keltic Researches*, E. W. B. Nicholson, p. 13). The Isle of Man was called *Mona* by Cæsar, *Mevania* by Orosius, and *Monapia* by Pliny.

³ The country called *Manaw Guotodin* in old Welsh literature.

⁴ We agree in this view, so ably set forth by Mr. Nicholson in his *Keltic Researches*.

⁵ For traces of the Picts in Man, see *History of the Isle of Man* (A. W. Moore), pp. 35-6.

⁶ '*A Scottorum gentibus habitur*' (Orosius, I. ii. § 82, Trubner's Ed.).

centuries Man and the Scottish islands, with parts of the north and west coasts of Scotland, were conquered and occupied by the Scandinavians.

As regards language we have evidence which tends to show that, in the seventh century, the language spoken in Man was substantially identical with the Gaelic of Ireland, though at the present day it more nearly resembles the Gaelic of Scotland. There are more individual words in Manx like Scottish than Irish Gaelic, and Manx and Scottish Gaelic have practically the same method of forming plurals.¹ Though Manx local names are more distinctively Irish than Scottish Gaelic, and Manxmen have more surnames of Irish than of Scottish Gaelic origin, there are numerous Manx surnames of distinctively Scottish Gaelic origin.²

The earliest point of contact between Man and Scotland of which we have evidence—not the evidence of written records, but that of existing names and traditions—was in connexion with the Celtic Church. At the end of the fourth century a British saint, Ninian, built a church, called *Candida Casa*, at Whithorne, on the western shore of Wigton Bay, which is within 25 miles of Man. May we not assume that this saint, whose name probably survives in the primitive *keecills* of *Keeil-Lingan* and *Cabbal Lingan* in Man, or some of his disciples, landed on our shores?³

Then we come to St. Columba, who has left not only his own name, but that of his followers—St. Ronan, St. Adamnan, and St. Moluoc—to some of our ancient churches. But even more significant of his influence are the facts that his name has been given to a feast of the Manx Church, and that it occurs in a well-known ‘charm.’ His feast day (originally on the 9th of June, but, after the change of the calendar, on the 21st) was called *Yn Eaill Columb Killey*, ‘The feast of Columb of the

¹ Rhfs, *Manx Phonology*, pp. 164-5. (In *Manx Society's* volume xxxiii.)

² (a) As names of purely Gaelic origin: Callister (M'Alister), Shimmmin (M'Symon), Knickell (M'Neacail, MacNicol), Fargher (Farquhar), Kaighan (MacEachan), Quarry (MacQuairie), Cannell (MacWhannell), Quinney (M'Whinnie), Quay and Kay (MacKay), Cowan (M'Owan), Bridson (M'Bride), Mylrea (M'Gilrea). (b) Names of Scandio-Gaelic origin: Castell (Gaskell), Corkhill (MacTorquil, MacCorquodale), Corlett (M'Leod), Cowley (MacAulay), Crennell (MacRanald). (See *Manx Names*, by A. W. Moore.)

³ We have a thirteenth century church dedicated to St. Trinian (a corruption of Ninian) which formerly belonged to the Priory of St. Ninian at Whithorne, whose priors were barons of Man. (See *Manx Names*, A. W. Moore, p. 142.)

Church,' and to this day the Manx fishermen speak of the stormy weather which was expected about the 9th of June as *Ny gaalyn yn Eaill Columb Killey*, 'the gales of the feast of Columb of the Church.' The 'charm,' which is directed against the fairies, is as follows:

*Shee Yee as shee ghooinee
Shee Yee er Columb-Killey,
Er dagh unniag, er dagh ghorrys,
Er dagh howl goaill stiagh yn re-hollys,
Er kiare corneillyn y thie,
Er y vodyl ta mee lhie,
As shee Yee orrym-pene.*

'Peace of God and peace of man,
Peace of God on Columb-Killey,
On each window and each door,
On every hole admitting moonlight,
On the four corners of the house,
On the place of my rest,
And peace of God on myself.'

It was in 795 that the Irish and Welsh annalists record the first appearance¹ of the Scandinavian vikings in the Irish Sea; and the Scottish Isles, as well as part of the mainland of Scotland, no doubt received their unwelcome attentions at the same period.

Before further discussing the proceedings of the Scandinavians² in the western seas, let us make clear³ what kingdoms and peoples they came in contact with in Scotland. They were (1) The Pictish kingdom of Alban, which included all the country north of the Forth, with, presumably, the Orkneys, Shetlands, Hebrides, and the other islands north of Ardnamurchan Point; (2) The Scottish kingdom of Dalriada, including Argyllshire, Kintyre, and some of the adjacent islands; (3) The British kingdom of Strathclyde, extending from the Clyde to Morecambe Bay. About the middle of the ninth century the Scandinavians settled in the Shetlands and Orkneys, which they called the

¹ Though Mr. W. C. Mackenzie (*Hist. of Outer Hebrides*, pp. xxxiv-xxxv) conjectures that the Hebrides were overrun by Scandinavian pirates at a period long anterior to the eighth century.

² We include under this term both Danes and Norwegians. It is difficult to discriminate between these two kindred races, but, judging by surnames and place-names, the latter were predominant in the western seas.

³ We use the name Scotland as a matter of convenience, but it should be borne in mind that this name was not applied to the whole kingdom till after the battle of Largs in 1263.

Norðr-eyjar, Nordreys or North Isles, and in the Western Scottish islands and Man, which they called the *Suðr-eyjar*, Sudreys or South Isles.¹ They also had settlements in Sutherlandshire (to them the southern land), in Caithness, and on the west coast as far south as Ardnamurchan Point, also in Galloway, on the east coast of Ireland and the west coast of Cumberland.

The first settler of importance was Olaf the White, who in 852 conquered Dublin and the Sudreys, and harried the mainland of Scotland.² The next was Ketill Finn, whom the Irish annalists speak of as a ruler of the Sudreys. But emigration to the Sudreys did not take place to any great extent till after the battle of Hafursfjord, fought about 883, in which Harald Haarfager conquered the petty kings of Norway, and made himself sole sovereign of the country. His rule was oppressive to the Vikings, whom he deprived of their *odal*, or freehold right to the land and reduced to the position of military tenants. Many of them, rather than submit, emigrated, as we have already shown. In the islands and Galloway they formed a ruling class, which gradually amalgamated with the native inhabitants to such an extent that the mixed race was called, *Gallgaidhel*, *Galgael*; or Stranger Gaels, by their Irish and Scottish neighbours. Harald soon followed his revolted subjects and conquered the Nordreys and Sudreys.³ For a brief period both these groups of islands remained under his rule, or that of his viceroys, and then, till the middle of the tenth century,⁴ Man, if not the other Sudreys, fell into the hands of the

¹ The terms *Norðr-eyjar* and *Suðr-eyjar* had not, however, always the same significance. Let us quote Worsaae: 'By degrees they [the Vikings] settled themselves on all the islands along the west coast, from Lewis to Man, which they called under one name, "*Suðreyjar*," or the southern islands, from their situation with regard to the Orkney and Shetland Isles. Sometimes, however, they did not reckon Man among them, and then divided the rest of the islands into two groups, in such a manner that not only the islands to the south of Mull were called "*Suðreyjar*," whilst Mull itself and the islands to the north obtain the name of "*Norðreyjar*.'"—(*The Danes and Northmen*, pp. 266-7.) *Suðreyjar* has taken in modern times the form of *Sodor*.

² *Landnámabók* (Vigfusson's translation), p. 76. *Annals of Ulster*.

³ *Landnámabók*, p. 26.

⁴ We may note that by the cession of Cumbria by Eadmund to Malcolm in 980, Man had Scottish territory to the east as well as to the north for a century.

Scandinavian rulers of Dublin and Limerick,¹ while the Nordreys remained under the suzerainty of Norway. In these latter islands and Caithness a dynasty was formed by Turf Einar, and, at the end of the ninth century, his great-grandson, Earl Sigurd, added Sutherland, Ross, Moray, Argyll, and the Sudreys. He governed the Sudreys through a tributary earl, called Gilli in the Sagas, who resided in Colonsay. Of these dominions he only retained those on the mainland of Scotland for about seven years, being driven out of them by the Celtic chieftains of the North and West of Scotland. The leader of these, Malcolm, Maormar of Moray, slew Kenneth, King of Scotland, in 1004, and succeeded to his throne. Sigurd, no doubt with a view of strengthening his position in his remaining dominions, entered into alliance with Malcolm and married his daughter. But, nevertheless, it is possible that his authority was weakened in the Sudreys. The Irish chroniclers call Ranald MacGodfrey, who died in 1004, King of the Isles, but both he and his successor Suibne may have been subordinate to Sigurd.

After 1014, when Sigurd was killed at the battle of Clontarf, to which he had come with his islesmen and 'the foreigners of Manann,' Suibne was probably either independent or under the suzerainty of Dublin till his death in 1034. Sigurd was succeeded by his son Thorfinn, who was presented with Caithness by his maternal grandfather, Malcolm, and, for fifteen years, he seems to have ruled it and the Orkneys only. But in 1029 Malcolm died, and his successor on the Scottish throne was Malcolm MacKenneth, whose father the first Malcolm (of Moray) had slain. Malcolm MacKenneth was a southern Scot, so that it is probable the northern chieftains preferred Thorfinn, as being the grandson of their king, to him. This theory accounts for the apparent ease with which Thorfinn annexed the greater part of Malcolm's kingdom. According to the *Orkneyinga Saga* he was lord not only over the Nordreys and Sudreys but over Dublin and no less than nine earldoms in Scotland, including Galloway. Some years before his death in 1064, he probably had to yield at least his possessions in

¹ Mr. R. L. Breuner, in his interesting *Notes on the Norsemen in Argyllshire*, states that 'the first' kings of the Gall-Gael or 'Kings of Man and the Isles,' were . . . direct descendants of Ivan Beinlaus, the son of Ragnar Lodbrok, but he gives no authority (*Saga-Book of the Viking Club*, vol. iii. part iii. p. 352).

the south of Scotland to Malcolm Canmore,¹ while Man fell under the rule of the Dublin Scandinavians. It may, however, be safely affirmed that, for a period of about thirty years, the Norse king was not only the most powerful ruler in the western seas but on the Scottish mainland. Fifteen years later he was followed by an almost equally powerful Norse ruler, Godred Crovan, the conqueror of Man in 1079. Godred, who is described by the Chronicler of Rushen Abbey, as holding the Scots in such subjection that no one who built a vessel dared to insert three bolts,² 'also subdued Dublin and a great part of Leinster. Godred died in 1095 in Islay, and it was not till after some years of confusion, during which Magnus,³ king of Norway, re-established the Norwegian suzerainty over both Nordreys and Sudreys for a brief period, that we find Godred's youngest son, Olaf (1113-1153) as ruler 'over all the isles.'⁴

It is during Olaf's reign that, according to the contemporary evidence of the chronicler, William of Newburgh, who knew him personally, a Manx bishop, named Wimund, had an extraordinary career in connexion with Scotland. When Wimund was sent in 1134, with other monks, to occupy the newly founded Abbey of Rushen in Man, he so captivated the people by his intellect and eloquence and also by his suave and jovial manners that he was, with the approval of the abbot of the mother abbey, Furness, recommended by King Olaf to Thurstan, Archbishop of York, for consecration as Bishop of Sodor and Man. About 1142 he announced that he was the heir of Angus, Earl of Moray, who had been killed in 1130, and, assuming the name of Malcolm MacHeth, he laid claim to that earldom. He was joined by Somerled of Argyll, who gave him his sister in marriage, by the Earl of Orkney and other chiefs. He ravaged south-western Scotland with fire and sword, and compelled King David I. to

¹ Skene (*Celtic Scotland*, vol. ii. p. 352), says that after Thorfinn's death, the Sudreys, except Man, were conquered by Malcolm, but he gives no authority for this statement.

² *Chronicon Manniæ* (*Manx Society's Publications*, vol. xxii.), p. 53.

³ The stratagem by which Magnus got possession of Kintyre is well known. It is interesting to note, as showing how Man was valued, that the *Orkneyinga Saga*, in relating this incident, remarks that Kintyre 'is better than the best island of the Sudreys, except Man.'

⁴ *Ibid.* p. 61.

surrender the southern portion of his kingdom to him. He then proceeded to treat his subjects with such severity that they betrayed him into the hands of the royal troops, by whom he was blinded and mutilated. Confined at first in Roxburgh Castle, and finally in Byland Abbey, he died about 1180.¹

Mr. Andrew Lang, who follows Robertson, treats this account with contempt, merely remarking: 'Some historians regard this clerk of Copmanhurst, this noisy clerical man-at-arms and reiver, as identical with Malcolm, son of Heth, Earl of Moray. But *that* Malcolm MacHeth was not released from prison till 1157, six years after Wimund was blinded and lay in retreat at Biland.'² We, however, see no reason to doubt the contemporary chronicler.

Olaf's son, Godred II. (1153-1187), who for a brief period ruled over Dublin as well as over the Isles, acted tyrannically towards some of his chiefs (*principes*) in the Isles, and so they determined to depose him.³ One of these chiefs, Somerled, said to be a descendant of Suibne, 'King of the Isles,' who was Godred's brother-in-law, having married Olaf's daughter, Ragnhild, was the leader in this revolt. He was ruler (*regulus*) of Argyll and seems to have held the islands of Bute, Arran, and Islay under Godred.⁴ In 1156 a bloody but indecisive battle took place between Somerled and Godred, who agreed to divide the kingdom of the Isles between them, Somerled's share being probably Kintyre and the islands south of Ardnamurchan Point. By this curious arrangement an independent sovereignty was interposed between the two parts of Godred's kingdom. It is, therefore, not without reason that the writer of the *Chronicle of Man* exclaims: 'Thus was the kingdom of the Isles ruined from the time that the sons of Somerled got possession of it.'⁵ Two years later Somerled again attacked Godred and took possession of Man, which he seems to have ruled through a sheriff (*vicecomes*)⁶ till 1164, when, on his

¹ *Hist. Rerum Anglicæ*, lib. i. cap. xxiv.

² *History of Scotland*, vol. i. p. 127.

³ *Chronicon Manniæ*, p. 69.

⁴ Skene (*The Highlanders of Scotland*. Ed. by MacBain, p. 200), states that King David 'conquered the islands of Man, Arran, and Bute from the Norwegians' in 1035 (? 1135), but gives no proof of this. David threatened Man in 1152 but certainly did not conquer it, and there seems to be no doubt that all the isles were subject to Olaf and, after him, to Godred. The *Chronicle of Man* (p. 61), states distinctly that 'no man ventured to disturb the Kingdom of the Isles during Olaf's time.

⁵ *Chronicon Manniæ*, p. 67.

⁶ *Ibid.* p. 75.

defeat and death at Renfrew, it again came into Godred's hands. Twenty years later Somerled's descendants, apart from their possessions on the mainland, ruled over Coll, Skye, Tyree, Long Island, and Bute only, so that it appears that Godred had re-conquered some of the islands of which he had been deprived in 1156.

The mention of a *vice-comes* in Man, in 1183,¹ seems to point to Godred having his head-quarters in one of the other islands. He died, however, in Man, and was buried in Iona. He was succeeded by his son Reginald I. (1187-1226), who was a war-like, and, during the first part of his reign, a powerful ruler. In 1198 we find King William of Scotland asking for his help against Harald, the Nordreian earl, and promising him the earldom of Caithness provided that he would drive Harald out of it. He succeeded in doing so, but was soon ousted by Harald. Nevertheless, Reginald and William continued to be allies. Reginald had placed his brother Olaf in charge of the island of Lewis, but Olaf was discontented with it, and, about the year 1208, he demanded additional islands for his support. Reginald's reply was to order him to be seized and carried in chains to William, who kept him in prison till just before his death in 1214, when Olaf was restored to Lewis. Olaf then married Christina, daughter of Ferquhard Mac-in-Tagart, Earl of Ross, and in 1223 he was in alliance with Páll, the Viscount of Skye, whose 'power and energy,' says the *Chronicle of Man*, 'were felt throughout the whole kingdom of the Isles.'² It is possible that Páll ruled Skye as a subordinate of Olaf's father-in-law. According to Robertson, Ferquhard and his descendants, at this time, or a little later, held both Skye and the Nordreys by grant from the Scottish kings, and were inveterate opponents of the Manx and Somerledian 'Kings of the Isles,' who held the Sudreys as fiefs from Norway.³ It is at least clear that Olaf was in league with the opponents of his brother Reginald in that region. In 1224 he compelled Reginald to divide the kingdom of the Isles with him, and in 1226 he became sole ruler of that kingdom. For two years only did he enjoy his dominions in peace.

At the end of that period troubles again arose with Reginald, and, during his absence from Man, probably for the purpose of fighting against his brother, Reginald, accompanied by Alan of Galloway, and Thomas, Earl of Atholl, took possession of Man.

¹ *Chronicon Manniæ*, p. 79.

² P. 87.

³ Vol. i. p. 239; vol. ii. 3, 23, 100.

It was Alan alone, however, who seems to have benefited by this conquest, as we are told that he left 'bailiffs in Man to pay over to him the proceeds of the taxes upon the country.'¹ But Olaf speedily returned and drove out the bailiffs. Thenceforward, except for a brief interval in 1230, when Godred Don, Reginald's son, occupied all the islands save Man, he reigned undisturbed till his death in 1237. Harald (1237-1248), his son, succeeded him, and, according to the *Chronicle of Man*, 'established the most solid peace with the Kings of England and Scotland, and was united to them by friendly alliance.'² He was evidently a potentate of some consequence. But, nevertheless, it was in his days that the shadow of a rule that was to be very much more effective than that of the distant suzerain in Norway, which had long been almost nominal, began to fall over the kingdom of the Isles. Scotland had gradually been becoming stronger, and its ambitious king, Alexander II., determined to tolerate no longer the independence of the islands adjacent to its western coast.

With this view he attempted to acquire the islands from Norway by purchase, but Hakon, the Norwegian King, refused to sell. This attempt was renewed later, but, before referring to it, we will continue our account of the Sudreyan kingdom. Harald died in 1248, and in 1250 Magnus, his brother, who became king in 1252, went to Man in company with 'John, son of Dugald' (presumably the ruler of the Somerledian Isles) to claim his inheritance there. The account in the *Chronicle of Man* gives an amusing glimpse of the jealousy that evidently existed between the two 'kingdoms of the Isles': 'John, son of Dugald, sent messengers to the people of Man to say, "Thus and thus does John, King of the Isles, command you." When the Manxmen heard John styled King of the Isles, they became indignant, and refused to hear anything further from the messengers.'³ A battle ensued, in which Magnus and his ally were defeated and driven from Man. Nevertheless, when Magnus appeared in Man two years later, 'all received him with great joy and appointed him king.' In 1254 Hakon appointed him 'king over all the Islands held by his predecessors.'⁴

In 1261 Alexander III. of Scotland sent two envoys to Norway to negotiate for the cession of the isles, but their efforts led to no result. He therefore initiated hostilities which terminated in the complete defeat of the Norwegian fleet at Largs

¹ *Chronicon Manniæ*, p. 91.

² *Ibid.* p. 99.

³ P. 107.

⁴ P. 109.

in 1263. Magnus, who had fought on the Norwegian side, was compelled to surrender all the islands over which he had ruled, except Man, for which he did homage, and undertook feudal service with ten 'pirate¹ galleys, five of them with four-and-twenty oars, and five of them with twelve.'² It has been suggested that this 'tenure of Man by galley service may well have been the basis of a marine policy, the continued maintenance of which is attested by more than one of Robert Bruce's West Coast Charters, having *reddenda* of ship service, sometimes with 26 or even 40 oars.'³

Two years later Magnus died, and in 1266 the King of Norway, in consideration of the sum of 4000 marks, ceded the Sudreys, including Man, to Scotland. We have seen then that, during this second period of nearly 200 years, Man continued to be closely connected with most of the Scottish Isles. It was connected with them not only through its civil rulers, but through its ecclesiastical rulers, and the ecclesiastical connexion of Man and Scotland was to continue long after the civil connexion had ceased to exist. It is with this ecclesiastical connexion that we now propose to deal.

It was probably not before the beginning of the eleventh century that the Scandio-Celtic population of the Isles received Christianity. The name of a bishop, Roolwer, is not recorded till towards the end of the same century. It must be inferred from his title not that he ruled over a see in the modern sense, but that he was an ambulatory bishop, attached to the king's court, while his assistants were probably monks without any fixed abode. The visitations of the bishop would probably be limited by the often varying extent of dominions of the king. There is no record of the existence of a regular diocese before 1154. In that year was founded the diocese of Sodor,⁴ with Nidaros, or Drontheim, as its metropolitan see, which, as already stated, included the Hebrides, all the smaller western islands of Scotland, and Man. This diocese was formed before the division of the kingdom of the Isles, and there is no reason to suppose

¹ The word 'pirate' did not then bear its modern meaning.

² *Fordun Annals*, ch. 56.

³ *Annals of the Sokway*, George Neilson, pp. 41-2. See p. 405.

⁴ The modern name of the bishopric of 'Sodor and Man' seems to have arisen from the mistake of a legal draughtsman early in the seventeenth century who was unaware of the meaning of Sodor. Till that time the bishops of Man had invariably signed Sodor.

that the division of the kingdom was followed by the division of the diocese, which, indeed, continued to exist till the beginning of the fifteenth century. As proofs of this, it may be mentioned (1) that in 1349 copies of a letter of Pope Clement VI. to William, the Sodor bishop-elect, were sent to the archbishop of Nidaros, to the 'noble Robert Steward, styled Seneschal of Scotland, Lord of the Isle of Bute, in the Sodor diocese,' and to 'our beloved son, the noble John Macdonald,¹ Lord of Isla, in the Sodor diocese';² (2) that Pope Urban V., writing to this same William in 1367, spoke of a *Nobilis mulieris Mariæ de Insulis . . . tuæ diocesis*, who was a daughter of the above-mentioned John, here styled 'Lord of the Isles';³ (3) that in 1374 copies of a letter of Pope Gregory XI. to John, bishop-elect of Sodor, were sent to 'the illustrious King Robert of Scotland,' and to the archbishop of Nidaros, as well as to 'William, King of Man';⁴ (4) that in 1392 the same bishop is styled *Johannes episcopus Sodorensis in prouincia Nidrosiensis*;⁵ and (5) that a MS. *codex* in the Vatican, written about 1400, contains the words *Sodorensis in Norwegia et prouincia Nidrosiensis*, thus showing that the connexion of Sodor with Norway still continued.⁶

A quaint reminiscence of the connexion of Man with Scotland, and more especially with the Priory of Whithorne,⁷ is the special mention of the Isle of Man in a document dated 1427, in which James I. of Scotland grants 'leave and permission to all and singular, from the realm of England and the Isle of Man, of both sexes, who wish to visit the church of the Blessed Ninian,' to come to Candida Casa in Galloway 'in all safety and security, and so to return to their own parts without let or hindrance.' It contains what appears to be an unnecessary proviso that the pilgrims from the Isle of Man should come by sea. It provides also that the pilgrims, whether English or Manx, are to 'come and return by the same ways, and behave as pilgrims in each place, and that they stay not within the Scottish border more than fifteen days coming, stopping, and returning, and that they take away and carry any memento of

¹ A descendant of Somerled's.

² *Vatican Archives, Manx Society's Publications*, vol. xxii. pp. 336-43.

³ *Ibid.* p. 378.

⁴ *Ibid.* pp. 394-400.

⁵ *Afgifter Fra-Norse Kirkeprovins*, &c. of Dr. Gustaf Storm (Christiania, 1897), p. 29.

⁶ *Chronicon Manniæ*, p. 258.

⁷ See p. 394.

the aforesaid church openly in their cloaks,' and, further, that 'they do not come for purposes of trade or other cause, and do nothing and cause nothing to be attempted prejudicial to the king, or his laws, or the realm of Scotland.'¹ It was indeed amiable for the Scots to tolerate the Manx within their borders for even fifteen days, for, five years earlier, the Manx had passed a law ordaining that 'all Scots avoid the land with the next vessels that goeth into Scotland, upon paine of forfeiture of their goods and their bodys to prison.'² The probable explanation, however, is that King James had never heard of the law in question!

Returning to secular history, we find that the direct rule of Scotland over Man, which began in 1266, was not firmly established till 1275, when the Manx were defeated in a decisive battle at Ronaldsway, near Castletown. With the death of Alexander in 1286, and the accession of the child Margaret, who was then in Norway, there began a time which was probably troublous for Man as well as for Scotland. Though there is no mention of Edward I. of England having directly interfered in the affairs of Scotland till after the death of Margaret in the autumn of 1290, there are indications that he had already either taken possession of Man or was fighting for its possession as early as 1288, when we learn that a certain Adam, son of Neso, was slain in that island in his service.³ In the following year he paid the expenses of the bishop of Man to Norway and back, having sent him there on an embassy.⁴ Early in 1290 he was certainly in possession of it,⁵ and in 1293 he handed it over to Baliol, reserving his rights as lord paramount.⁶ Baliol entered into an alliance with Norway and France in 1294, and revolted against his over-lord, who, on his subsequent surrender, doubtless treated Man as a forfeited fief. It remained in English hands till 1313.⁷

¹ *Reg. Mag. Sig. Reg. Scot.* Charter No. 107.

² *The Statutes of the Isle of Man*, vol. i. p. 20. It is stated that the late Lord Loch, a Scotsman, and one of the most distinguished Governors of Man, was on one occasion rash enough to declare that all the laws in the Statute Book were equally valid, and that he was referred to the law we have quoted above!

³ *Rotuli Scaccarii Regnum Scotorum*, vol. i. p. 35.

⁴ *Ibid.* pp. 49-50.

⁵ *Calendar of Patent Rolls*, 18th Ed. I.

⁶ *Rotuli Scotiæ*.

⁷ For detailed account of the period, see *A History of the Isle of Man* (A. W. Moore), pp. 184-190.

In 1310¹ Edward II. issued a writ in which he enjoined his sheriffs, bailiffs, and faithful subjects in the counties of Chester, Lancaster, Cumberland, and Westmoreland, to afford assistance to the Seneschal of Man against Robert Bruce, who, as the king had heard, intended to despatch all his navy to the Isle of Man 'for the purpose of destroying it and establishing a retreat there.'² But Bruce did not attack Man till two years later, when, according to the *Chronicle of Man*, 'on the 18th of May, Lord Robert, King of Scotland, put in at Ramsey with a large number of ships, and on the following Sunday went to the nunnery at Douglas, where he spent the night, and on Monday laid siege to the Castle of Rushen.'³ The castle was defended against him by one of King Edward's Scottish adherents, called in the *Chronicle* Dungali MacDowyle, and in the *Rotuli Scotiæ* Duncan Magdowall, who in 1306 was referred to as Captain of the Army of Galloway,⁴ and it held out 'until the Tuesday after the Feast of St. Barnabas the Apostle,' i.e. for a period of about five weeks.⁵

On the 20th of December in the same year, Bruce granted the island to Thomas Randolph, Earl of Moray, in free regality (*regalitem*), retaining only the patronage of the bishopric.⁶ Randolph had in return to find annually 'six ships each of twenty-six oars,' and to pay a hundred marks of sterling at Inverness.⁷

¹ For references to Dicon of Man in 1303, who takes messages for King Edward I. to the Earl of Carrick, and to Lammal of Man in 1306, a *socius* of John of Argyll (admiral of the western seas of England, Wales, Ireland, and the isles of Scotland), who was ardently acting in the English interest, see Bain's *Calendars*, vol. iv. pp. 489, 481.

² *Rotuli Scotiæ*, i. 96.

³ *Chronicon Manniæ*, p. 111.

⁴ Bain's *Calendars*, vol. iv. p. 489.

⁵ He had served both Edward I. and II. and had received manors in England and a knighthood for his services. He had made a peel or fort on an island in the Solway Firth, and was in 1311 constable of Dumfries Castle, which surrendered to Bruce in February, 1313. For information about him see numerous entries in vols. iii. and iv. of the *Calendars of Documents relating to Scotland*, edited by Joseph Bain; *Chronicle of Lanercost*, 207; *Rotuli Scotiæ*, i. 625, 626, 629; *Dumfries and Galloway*, by Sir H. Maxwell, pp. 112, 114, and article in *Scottish Antiquary*, January, '97 (vol. xi. p. 104).

⁶ When Henry IV. granted the island to Sir John Stanley, he gave him the patronage of the bishopric also.

⁷ Carta Thomæ Randolphi Comitum Moraviæ De Insula Manniæ (Add. MSS.). This mention of Inverness as the place of payment is very interesting, because it seems to indicate that the government of the isles centred in that town.

Notwithstanding this conquest, and the victory at Bannockburn, it is the English who seem to have been in possession of Man in the autumn of 1314, as Edward II., on the 28th of September, gave a safe conduct to William of Galloway and Adam le Mareschal, who were going to that island on the business of Henry de Beaumont.¹

This re-conquest of Man from the Scots was probably the work of John de Ergadia, or de Ergeyl, *i.e.* of Argyll, who was Edward's admiral of the western seas of England, Wales, Ireland, and the Isles of Scotland,² as in February, 1315, King Edward, in addition to a grant to him to make good his losses from the Scots, ordered a further amount to be given to him for the support of his men keeping the Isle of Man, from which he heard he had recently expelled the Scots rebels.³

In a further document, dated a few days later, the king commanded the Justiciar and Treasurer of Scotland to cause certain Scottish rebels recently captured by John of Argyll's men and mariners on the sea coast of Scotland, 'at present secured in the Isle of Man,' to be taken to Ireland.⁴

In the following year (1316) a certain Donekan Makoury, a subordinate of John of Argyll's, complained that he had served against the Scots during the whole year in Man, and that he had had his lands destroyed by them.⁵ Evidently, therefore, English and Scots were fighting in Man,⁶ but who was left in possession is uncertain. Probably, however, it was the English. For we find that in July, 1317, Edward committed the island to the keeping of Sir John de Athy, whom he ordered to provide three ships and a sufficient number of warlike men to protect it against the Scots. Sir John, in the same month, captured a Scottish pirate called Thomas Dun, killing all his men except himself and his cousin, and ascertained from him that the Earl of Moray was about to attack the island.⁷ Three months later, the earl was about to set out for Man, but there is no account of whether he arrived there or not. In 1318 there was a truce

¹ Bain's *Calendars*, vol. iii. 391.

² *Ibid.* vol. iii. 479.

³ *Ibid.* vol. iii. 420.

⁴ *Ibid.* vol. iii. 421.

⁵ *Ibid.* vol. iii. 521.

⁶ It is in this year, according to the *Chronicle of Man* (p. 113), that the Manx were defeated, and the island sacked by a body of malefactors from Ireland (*de Hibernia*), under Richard de Mandeville. The *Chronicle* calls them *Hibernici*, but possibly Irish should be Scottish (see p. 407).

⁷ Bain's *Calendars*, vol. iii. 562.

between Scotland and England, and in 1328,¹ when the independence of Scotland was formally acknowledged, the King of England gave an undertaking not to assist any enemies of the Scots to dispossess them of Man. It is therefore probable that that island had been restored to Scotland in 1318, and that it had remained in its possession since then. Some confirmation of this is given by the fact that Thomas Randolph, who is styled 'Earl of Moray, Lord of Annandale and Man,' granted a safe conduct to go there in 1322.²

In 1326 the Prior and the Canons of *Candida Casa*³ (Whithorne) in Galloway, who had already been given lands in Man by Randolph, also received from him, besides churches in Galloway and Kintyre, the church of 'S. Brigide in Lair,'⁴ i.e. of S. Bride in the Ayre.⁵ In 1329 one tenth of a penny on Manx farm rents, which amounted to £150, was paid into the Scottish exchequer,⁶ and, in September of the same year, when Richard de Mandeville, with a multitude of Scottish felons,⁷ probably disaffected subjects of the youthful king of Scotland, attacked Man, Edward III sent an expedition to drive him out. He may, taking advantage of Bruce's death in this year, and the accession of David, a child of seven years old, have done this with a view of seizing Man, but, on the other hand, it is possible that he was simply carrying out his promise, Mandeville's usurpation being dangerous to both kingdoms.⁸

¹ In this year Bernard, the elect bishop of Sodor (a Scotsman), received £100 from the Scottish king for the expenses of his election (*Rot. Scacc. Reg. Scot.* vol. i. p. 114).

² Bain's *Calendars*, iii. 746.

³ See p. 394.

⁴ We learn this from a confirmation of the above grant given in 1451 by James II. of Scotland, which is recorded in the *Registrum Magni Sigilli Scotorum* (Charter No. 461). The grant as regards lands in Man was then, of course, futile, as the Prior of Whithorne was probably deprived of the monastery's lands in Man in 1422. Our Statute Book in that year (p. 21), states that when the barons of Man were summoned to do fealty to Sir John Stanley, the Prior of Whithorne, who was one of them, 'came not,' and was therefore among those who were 'deemed by the Deemsters, that they should come in their proper persons within forty days, or if they came not, then to lose all their temporalities, to be ceised into the Lord's Hands in the same Court.'

⁵ The corruption *Lair* of *ny Heyrey*, i.e. 'of the Ayre,' is interesting. We find also *ly-ayre* or *le-ayre*, and the modern name of an adjacent parish is Lezayre.

⁶ *Rot. Scacc. Reg. Scot.* vol. i. p. 151.

⁷ It is curious that he should lead Irishmen in 1316 and Scotsmen in 1329.

⁸ 2 Ed. III. *Rotuli Patentium et Clausarum Cancellariæ Hiberniæ*.

In 1331 the clergy of the Sodor diocese sent a contribution of £60 to the King.¹

Two years later war broke out between Scotland and England, and Edward took possession of Man, granting it to Sir William de Montacute.² But Sir William, who was created Earl of Salisbury in 1337, seems to have been unwilling or unable to protect the island against the Scots, who, profiting by England having become involved in war against France in 1336, again threatened it. We do not know whether they conquered it or not. Edward speaks of the bishop, a Scotsman, as being his liegeman in 1340,³ but it does not necessarily follow that he held Man in that year. In 1342 'the men of the community of the Isle of Man' paid a fine of three hundred marks in order to 'enjoy a certain sufferance of peace' with the Scots for a period of one year, and, in the same year, Edward permitted 'honest men' of the Isle to treat with them provided that they did not afford them assistance with arms or provisions.⁴ This state of affairs must necessarily have been put an end to by the battle of Neville's Cross in 1346, and thenceforth, though the Scots had by no means given up the idea of recovering Man, they never again made any formidable attempt to enforce their claim to its possession.

In 1359 the *Rotuli Scaccarii Regnum Scotorum* contain what appears to be the unnecessary information that no rent was received from the Isle of Man in that year.⁵ We may mention that in the *Registrum Magni Sigilli Regnum Scotorum*⁶ there is a curious incomplete document in which it is stated that King Robert of Scotland had inspected a deed in which George de Dunbar, Earl of March and Lord of Annandale and Man agrees with James de Douglas that he should marry his (George de Dunbar's) sister Agnes and in which he promises them one hundred librates (5000 acres) of land in the Isle of Man, when he or they can get possession of it. As far as we know, however, they made no attempt to do so. But though Man was never again to fall under the rule of Scotland, the ancient kingdom of which it had once formed a part was being gradually absorbed by that country.

¹ *Rot. Scacc. Reg. Scot.* vol. i. p. 396. In this year Friar John of Man received an annuity from King David. *Ibid.* p. 358.

² *Fœdera*, 7 Ed. III.

³ *Close Rolls*, 14 Ed. III. p. 2, m. 9.

⁵ Vol. i. p. 570.

⁴ *Rotuli Scotiæ.*

⁶ Vol. i. 1814, p. 125.

Caithness was added to the dominions of the Scottish King some time in the fourteenth century, the Orkneys and Shetlands were part of the dowry of Margaret, daughter of Christian, King of Denmark, when she married James III in 1468, and the Western Isles were finally annexed in 1493, when John, the last Lord of the Isles, was deprived of his title and estates.¹

ARTHUR W. MOORE.

¹I have to thank George Neilson, Esq., LL.D., for advice and assistance in the preparation of this article.

The Cardinal and the King's Will.

'Fy! fled Oliver! Is Oliver ta'en! All is lost!'

This refrain came less often, and in fainter tones, from the lips of the dying King. The light of the wind-shaken flambeaux flared on the walls, hung with gold-hued leather stamped with the Thistle of Scotland, and the Lilies of France. The flames danced red on pale faces of many men scattered through the chamber of death. By the bedside was the grave doctor of medicine, Michael Durham, an austere Puritan, with his *aromatarius*, or apothecary, behind him; watching the wasted features, and wiping with an essenced kerchief the pale dank brow, of the unhappy prince. Further back, with aspect of mourning, stood but four or five of the great nobles; in a corner were huddled in whispered converse, three priests; their work was done, the King had been fortified with the last rites of the Church.

In a large chair by the fire sat a man in scarlet, his face, fair and foxy, now bent over the dance of lights and sparks on the hearth; now suddenly turned on the dying King, in the shadow of the violet velvet curtains of the Royal bed. Once the man mechanically put forth his hand to caress a great deerhound, stretched in seeming sleep in the glow of the fire; but the hound, with a low growl, flashed his white teeth, and the delicate priestly hand with the sapphire ring was hastily withdrawn.

'Fled Oliver! Is my standard tint! All is lost!'

The refrain came fainter, now, and broken with a sob.

The man in scarlet arose, and walked stately through the line of nobles, thrusting aside the *aromatarius*, while the surly physician made reluctant way for him, to the bedside. With a sudden sweep of his hand he drew the violet velvet curtains close behind him. He was alone, in the dusk, with the dying King! What wrought this strange masterful priest? *There was one who watched!* The despised *aromatarius*, stooping at the bed-foot, applied his eye to a rat-gnawed chink in the curtain; a gap left undarned by the heedless chamberlain of Falkland.

What the *aromatarius* saw was this :

The man clad in scarlet took from his breast an inkhorn, a pen, a quire of paper. Seizing the King's dying hand in his own, he dipped the quill in the inkhorn, and applied it to the paper. The strong white fingers of the Cardinal, above the yellow claw of the Royal moribund, moved for a moment's space. Then, drawing from his breast a little silver phial, the Cardinal scattered sand over the wet paper, while the death-rattle sobbed through the melancholy chamber. The man in scarlet replaced paper, inkhorn, pen, and phial, in his vestment; with a wave of his hand he threw back the curtains; the nobles reverently knelt around the bed, and on the last sob of the King followed the Cardinal's sonorous *Pax cum anima sua*, echoed by the priests' *In manus tuas, Domine!*

King James the Fifth had gone to his account; and a blank, signed by the dead man's hand, was in the Cardinal's keeping! 'Twas twelve of the clock at night, of Friday, December 15, 1542.

The local colour, whether correct or not, is laid on pretty thick in this impressive passage. You will find the essence of it, however, in all our histories. Is it a likely story? Could Cardinal Beaton expect to do the trick described, in the manner described, or in any other manner, without instant detection?

The story is given more briefly in the only known evidence, (beyond mere gossip,) for the tale; in the words of the Earl of Arran, Governor of Scotland, to Master Sadleyr, representing Henry VIII. at the Court of Holyrood. 'The Cardinal did counterfeit the late King's testament; and when the King was even almost dead he took his hand in his and so caused him to subscribe a blank paper.'¹

Arran had not been present at the Royal deathbed; he named no man who was present and saw the doing of the deed; he did not show the will; and no witness pretends to have seen it to this day; he had been on ill terms with the Cardinal, and had been vilifying him, for four months before he told his myth to Sadleyr (April 12, 1543), but he is never known to have told it before, in answer to the questions of Henry VIII. Yet our historians, almost to a man, accept this unproved and improbable legend of what Mr. Froude calls 'an impudent forgery.' 'It has been proved,' writes a recent and careful author, 'that Beaton forged

¹Sadleyr to Henry VIII., Edinburgh, April 12, 1543. *Sadleyr Papers*, I. 138 1809.

an instrument according to which he would have been the first man in the country.' But the 'proof' is not a will signed by the dead or dying hand of King James, and, whatever it may prove, it does not prove either forgery, or the Cardinal's use of the hand of the dying monarch. Now whether the Cardinal was, or was not a forger, makes no odds to any mortal. But it is important that history should not take things for granted on no evidence.

We must first show in what state of things the will was forged, if forged it ever was. In 1542, a series of quarrels and misunderstandings between Henry VIII. and James V. had led to war, and many of the Scottish nobles, both Catholic and Protestant, had been taken prisoners by the English, at the shameful defeat of Solway Moss (November 24). The country, too, was divided within itself. The great House of Douglas had for years been in well deserved exile, pensioners of Henry VIII.; the Earl of Angus dwelling in England, while his brother, Sir George, made his headquarters at Berwick, having his spies about the person of King James, and betraying military and political information to Lord Lisle, the English warden of the Border, residing at Alnwick. In Scotland, the Protestant nobles, in England the many captive nobles of both faiths, were inclining to be allies of Henry VIII., and some were bitter enemies of Cardinal Beaton, and of the Catholic and French party, while Henry was asserting the old English claim to absolute sovereignty over Scotland. In these circumstances the defeat of Solway Moss broke the heart of James V., then a man of thirty. The King died, (as Sir George Douglas heard on December 17, from a confidential Royal servant, a spy of his own,) *at midnight*, whether on December 14 or December 15 is disputed. The later date is the more probable.

If the King left no will, nor any authentic account of his wishes concerning the Government during his child's minority, all would be anarchy. The exiled Douglasses under Lord Angus, for long pensioners and subjects of Henry VIII., would certainly make an effort to come back; and Henry VIII. would send back his prisoners on parole, sworn to return to captivity if they did not carry out his schemes for seizing the Scottish Crown, the baby Queen, the fortresses, and the Cardinal. In these circumstances it was most desirable to have a Regent, or Regents, to carry on the government. The natural choice would be the Earl of Arran, who, failing the infant Mary, was heir to the Crown of Scotland. But Arran was young, about twenty-four years of age, was inexperi-

enced in affairs; was called 'a simple man,' 'a gentle creature,' by his best friends, and was of disputed legitimacy, while members of both parties described him as false, a dissembler, and beyond belief inconstant. His clan, the great House of Hamilton, always had their hopes fixed on the Crown, and were regarded as pre-eminently brutal, predacious, and unscrupulous, even in these days of anarchy, 'shrews and evil men.'² Again, Arran was very strongly suspected of Protestant opinions. He was thus, in the eyes of Beaton and the party of France and of the Church, an evil Regent, if in sole authority. On the other hand, if Beaton could be adjoined to Arran in the Regency, Arran would be wax in his hands, and would be diverted from the Protestant and English interest. In less than a year after James's death, Beaton had brought matters to this posture;—Arran as puppet Regent, Beaton pulling the strings,—and thus the Cardinal actually defeated the ambitions of Henry VIII., and preserved the national independence of Scotland.

Now the strange thing is that if, on the death of James, Beaton either forged a Royal will, or procured fraudulently a notarial document setting forth James's last wishes, the will or document placed Arran in the position most fatal of all to the Cardinal's policy, that is, Arran would be left out in the cold, with every temptation to lend the weight of his clan, and of his claim as heir apparent, to the faction of England and of Protestantism.

It is obvious that nothing could suit Beaton worse. Yet the only extant document in the case, purporting to contain the last wishes of the King, does exclude Arran absolutely from power. Beaton did not take action on this document: on the other hand, Arran was at once, three days after the King's death, associated with him and with three nobles who *were* named in the deed. Does this look as if the deed were a fraudulent paper procured by Beaton?

Meanwhile, had James left *any* will, or *any* directions, as to the Regency? There was found, some twenty years ago, among the papers of the Duke of Hamilton, the document to which we have referred, a formal 'notarial instrument' in Latin, signed by Henry Balfour, 'priest in the Diocese of Dunkeld, and notary by Apostolical authority.'³ Balfour writes that he was present, and made record of (*in notam sumpsi*) the facts which he chronicles.

² *State Papers*, Henry VIII., Vol. V. Pt. IV. p. 239. Lisle to Henry VIII. Jan. 9, 1542-43.

³ Published in *Historical MSS. Commission's Report*, XI. Pt. VI. 219-220.

Of Balfour we only know, from the manuscript of the Treasurer's Accounts,⁴ that from 1536 to 1539 inclusive, he received a salary or pension from the King, and sums of money to distribute among the poor, in return for their prayers for the Royal welfare. Balfour writes that, about the seventh hour before noon, on December 14, 1542, King James, weak in body but sound in mind, solemnly nominated four tutors for his infant daughter, and 'as far as he legally may' Governors of the realm during her minority; namely Cardinal Beaton, the King's own natural brother, the Earl of Murray, (he was Lieutenant General of the kingdom,) and the Earls of Huntly and Argyll. As witnesses are named Balfour himself; Learmont of Dairsie, Master of the Household; Kemp of Thomastown, a gentleman of the bed-chamber; William Kirkaldy, younger of Grange; the Court physician, Dr. Michael Durham; three or four priests, the apothecary, and others, in all twelve, reckoning Balfour. Of these Durham, Learmont, and Kirkaldy were or became noted Protestants: Kirkaldy later, during the murder of the Cardinal, watched the postern gate of St. Andrews Castle to prevent his escape.

Such is the document, without seal, or signatures of witnesses, which do not seem, (though it is not certain) to have been indispensable. I am informed on good authority that the instrument is 'a genuine document.' It is endorsed, in another and contemporary hand, 'Schir Henry Balfour instrument that never was notar,' apparently meaning that Balfour was not a notary. If so the document was void, but, as Mr. Morland Simpson has remarked,⁵ 'had the witnesses not been present, as alleged in the document, what greater folly than to say they were?' Certainly the Cardinal must have supposed that Balfour was a notary, and that the witnesses would bear favourable testimony, otherwise he would not have 'taken the instrument,' as the phrase went. We may dismiss the hypothesis that the deed was forged by Beaton's enemies to bring him into discredit. The deed is not a will, is not signed by the King, and is not a forgery. Of this notarial instrument not one word is said in the State Papers and the correspondence of the period. We first catch a glimpse of it in Book I. of Knox's History, written, but not published, about 1564-66, more than twenty years after the events.

What occurred next? Long before dawn of December 18, Sir

⁴ General Register House, Edinburgh, MS.

⁵ *English Historical Review*, January, 1906, p. 113.

George, at Berwick, wrote to Lisle that, as he heard, from the King's servant, and his own spy, Simon Penango, who had ridden from Falkland on December 17, the chief men of Scotland were convened in Edinburgh to choose four Governors, Arran, (*not named in the deed*), Murray, Argyll, Huntly, 'and the Cardinal to be Governor of the Princess and chief ruler of the Council.' All five, Douglas said, were cousins or brothers-in-law. On December 21, Lisle wrote to the English Privy Council, that as he heard, the King *willed before his death* that the Douglasses might come home; and that the Governors should be *Arran*, Murray, Argyll, Huntly, 'and the Cardinal to be of council with them.' On December 24, Lisle writes that on Tuesday, December 19, the Cardinal, *Arran*, Argyll, Huntly, and Murray were proclaimed as Governors, in Edinburgh. They have spread abroad, he says, the story that the King, on his deathbed, commanded that the Douglasses should be restored, if they would 'do their duty to their natural country,' a measure highly unwelcome, obviously, to the Cardinal.⁶

It is plain, and most noteworthy, that, though not named in Balfour's notarial instrument, the Earl of Arran, on December 19, was proclaimed Regent, in addition to the Four whom alone the document does name; and, according to Lisle, James 'willed this before his death,' that is, James included Arran in the list. Thus, if the Regents proclaimed the instrument of Balfour as their title to power, they had falsified it, and Arran was a party to the proceeding. If they did not proclaim the instrument, or any other document of the same effect, as their authorisation, then they had no authorisation at all.

It had so happened that, on December 16, Lisle sent a priest with a letter from Henry VIII. to be given into the hands of James only. Finding that James was dead, the priest gave the letter to the Scottish Council, about December 19 or 20. He was told to wait, and, on December 21, received a written reply from the Council. Arran bade the priest tarry till he could see him privately: probably on December 21-23.⁷ Arran then gave the priest the following 'credence' or verbal message, for Lisle: 'Tell him that the Cardinal, who was with the King at his departing, and in whose arms he died, hath told to the Council many things in the King's name which he' (Arran)

⁶ *Hamilton Papers*, I. 336, 340, 345, 346.

⁷ *Hamilton Papers*, I. 345. The Council of Scotland to Henry VIII. The Council wrote to Lisle on December 23. *Hamilton Papers*, I. 350.

'thinketh is all lies and so will prove.' 'We have also,' writes Lisle to Henry VIII., in the same letter (December 30), 'otherwise been informed that the Earl of Arran called the Cardinal "false churl," and would have drawn his sword at him, saving that other of the Council went between them, but for what cause they so fell out, assuredly yet we know not.'

We do not know the date of this event, or the cause of Arran's anger, or what tidings of the King's last wishes, given by the Cardinal, Arran thought 'all lies,' and 'will so prove.' The tidings may have been the names of the four Regents, and the King's desire for the return of the Douglasses. But, if so, Arran said nothing to the priest about the notarial instrument, and nothing about a will forged by the Cardinal. He could not speak of the instrument, if he took his own appointment under it—for he could only take that by a falsification of the instrument. He spoke merely of verbal messages, orally delivered by the Cardinal to the Council.

On January 5, 1542-43, Henry VIII., having read Lisle's letter of December 30, bade him write a private letter to Arran, modelled on a minute which he enclosed, 'whereby you shall provoke him to speak, and of his answer smell the better now he is inclined.' Lisle did write to Arran, but Arran did not answer his questions. Before receiving Henry's letter, Lisle, on January 5, 1542-43, mentioned the Archbishop of Glasgow as being then Chancellor of Scotland: a thing to be noted. On January 9, Lisle, reporting what seems to have been a second visit of the priest to Edinburgh, just before Arran was made Governor (Jan. 3, 1542-43), says that the Earl 'bade the priest resort not to the Cardinal, but to the Chancellor, the Bishop of Glasgow.'⁸ Clearly the Archbishop of Glasgow, Gawain Dunbar, was much more in favour with Arran than the Cardinal, late in December. In ten or eleven days, their situations were reversed.

On January 5, Lisle had written about one Archibald Douglas who told him that, when King James 'had no perfect reason,' the Cardinal asked him whether he would choose *Arran*, Huntly, Argyll, and Murray as Regents, 'whereunto the King made no answer, albeit the Cardinal reported otherwise.'⁹ Here Beaton's name is not among those of the Regents: the notarial document, as usual, is not mentioned. Meanwhile, on January 3, Arran,

⁸ *State Papers*, Henry VIII., Vol. V. Part IV. p. 238. *Hamilton Papers*, I. 347-349.

⁹ *Hamilton Papers*, I. 357.

at a meeting in Edinburgh, begun on January 1, had been appointed Governor of Scotland, 'by a private faction,' says George Buchanan, writing in 1571. The Hamiltons and the Protestants imposed him on the country.

Huntly, it would seem, did not attend this meeting, though interested as being one of the five Regents of December 19. We learn this from the useful priest: he was told, in Edinburgh, by Bruce, a retainer of Huntly, that he thought Huntly 'would not come at all, saying "Whosoever were made King of the South, he would be King of the North,"'—'the Cock of the North!'¹⁰

Now it is an extraordinary thing that Arran, so bitter against the Cardinal, and so favourable to the Archbishop of Glasgow, just before the meeting of January 1-3 by which he himself was made Governor, immediately after his own appointment to the Governorship, took the great Seal from the Archbishop of Glasgow, who had held it as lately as January 5, and gave the Chancellorship to the detested Cardinal! This great promotion, at the expense of the rival Archbishop, an opponent of the Cardinal's policy, and a friend of peace with England, was recorded in the Manuscript Register of the Privy Seal,¹ on January 10. The fact has entirely escaped the notice of our historians.

Why did Arran, fresh in supreme power, deprive a preferred and blameless prelate of the highest office, and confer it on a man whom he had been accusing of lying? Lisle put this natural question to Sir George Douglas, on February 1, who replied that 'the Cardinal *caused* the Governor to take the seal from the Archbishop of Glasgow, and to deliver it to him.' How could the Cardinal, but yesterday deep in Arran's bad graces, *cause* Arran to take this step? From the dates it is manifest that, while Arran was very hostile to Beaton just before the meeting of January 1-3, which made him Governor, just after that meeting he was at Beaton's beck and call. Thus it seems probable that Arran's appointment as Governor was the result of a compromise, of a game in which Beaton held very strong cards, even when unsupported by 'the King of the North,' Huntly; while Arran held no card, such as a knowledge of Beaton's guilt, which could enable him to resist the Cardinal's demand for the Chancellorship.

¹⁰ *State Papers*, Henry VIII., Vol. VI. Part IV. p. 238.

¹ General Register House, Edinburgh.

But Beaton's happy condition did not last. By January 12, Sir George Douglas had crossed the Border, going in advance of his brother, the powerful Earl of Angus, and of all the noble prisoners on parole, who were sworn to put the Crown of Scotland on the head of Henry VIII., as he himself declares,² and to place the Cardinal in his hands. Henry had promised to back them with an army of 4000 horse: but these wicked Scots did not keep faith. On January 14, Douglas met Arran, and on January 15, the pair plotted 'to lay hands upon the said Cardinal, and pluck him from his pomp,' and deliver him over to Henry. So Douglas told Lisle, on January 20, and Lisle writing on January 21,³ remarked, 'they will have the Cardinal by the back within this ten or twelve days.'

They were even better than their word. On January 27, as the Cardinal sat with the Council in the Hamilton rooms in Holyrood, they 'had him by the back,' seized him by force, the Earl of Angus leading, and shut him up in a Douglas house, Dalkeith, then the Earl of Morton's place.

They had caught a Tartar, for not a priest would bury, baptise, or marry throughout broad Scotland, then still Catholic. Angus told Mary of Guise, who was in Holyrood, and was alarmed by the noise of the affray at the Cardinal's arrest, that he 'was but a false trumping card, that should answer to certain points he had played.' But no points were ever 'laid' to him, though Henry VIII. (March 13) heard that Sir Thomas Erskine, who had been deprived of a post at Court, was trying to buy it back by hinting that he could tell tales of the Cardinal, and he would.⁴ No charges were ever made, though Parliament met on March 12; in the Cardinal's absence, and in 'his enemies' day'; and, on March 30, Henry VIII. wrote to Sadleyr, who represented him at Holyrood, 'we could never yet hear from them what special things they had to lay against the Cardinal when they took him.'⁵

They had no 'special things to lay' against Beaton, or, officially, they never would commit themselves to anything special. There was gossip enough, I do not enter on the tattle.

Beaton had been in no danger: he had friends, he had money, and by March 23 was in his own strong castle of St. Andrews. Arran protested to Sadleyr that he had no part in the Cardinal's release. He swore 'sides and wounds'; he abounded in

² Henry C. Dudley, November 12, 1543.

⁴ *Hamilton Papers*, I. 466.

³ *Hamilton Papers*, I. 387-392.

⁵ *Hamilton Papers*, I. 494.

blasphemous oaths to prove his veracity,—and he went on to lie! ⁶ Sadleyr asked Arran, on April 12, what *was* the charge against the Cardinal? He had been told by Lord Somerville, on the previous day, that Arran had pardoned the Cardinal for forging the King's will. Arran denied the pardon, and said, that 'the *principal* matter whereon the Cardinal was taken' was a report to the Scottish Council, in a letter from Lisle, that the Duc de Guise was about to land with four ships of war in Scotland.⁷

Arran's story was false. Douglas and Arran had decided on January 15, to 'have the Cardinal by the back,' before Lisle himself knew that there was so much as a rumour of Guise's invasion. Lisle was informed about Guise by a letter from the English Council, written on January 19, which had not reached him when Sir George Douglas told him, on January 20, of the plot devised between Arran and himself to seize Beaton.⁸

Arran, having fabled on this point to Sadleyr, went on to say that another reason for arresting Beaton was this (which we have already quoted), 'He did counterfeit the late King's testament; and, when the King was even almost dead, he took his hand in his and so caused him to subscribe a blank paper,' which, we presume, he later filled up to his liking.⁹ What did the Cardinal put down under James's signature? We only know that, thirteen days after Sadleyr's letter to Henry, (April 12) that prince bade him say to Arran, 'Can you think that you shall continue Governor when the adverse party that would have made themselves by a forged will regents with you, or rather excluded you, shall have authority . . . ?',¹⁰

It would appear then, if we may combine our information, that Beaton is accused by Arran of having made the dying hand of James sign a blank, and of filling up the blank with King James's wish that 'the adverse party,' Beaton, Murray, Argyll, and Huntly, shall be Regents, Arran being omitted. Of course, if this was true, Beaton must have produced the will when it would, if ever, be serviceable, that is, on the King's death. If

⁶ *Sadleyr Papers*, I. 136-142.

⁷ I have no evidence that there was any ground for this rumour of Guise's expedition. It may conceivably have been planned when the news of the death of James V. reached the French Court.

⁸ *Hamilton Papers*, I. 384-391.

⁹ Sadleyr's *State Papers*, 1809, I. 138.

¹⁰ Henry to Sadleyr, April 25. *Hamilton Papers*, I. 527.

he did, Arran reported nothing about it at the time, and if forgery was proved against Beaton, how could Arran possibly make him Chancellor at the very earliest opportunity?

What is the value of Arran's word, and of Arran's oaths 'by God's Sides,' and 'by God's wounds'? As for Arran's veracity, two lords of his own party, Protestants, Glencairn and Maxwell, told Sadleyr that they believed Arran had been lying to *him* on another matter.¹ Lord Fleming told Sadleyr that Arran was 'the greatest dissembler in the world.'² Such was their estimate of Arran's veracity. If the estimate be correct, his charge against Beaton is most assuredly not proved.

What was the effect of Arran's tale upon Henry VIII.? Within three months (May 1?), through his Privy Council, he bade Sadleyr offer to the Cardinal an English bishoprick, if he would turn his coat!³ Henry, of course, may have meant to deceive Beaton, that is another question. As for Arran, after an almost incredible series of shiftings from the Protestant to the Catholic camp, and back again, he suddenly, for no known reason, rushed into Beaton's arms, and remained as true to him as it was in his nature to be to anything or anybody: save that he *was* honest as regards the infant Queen.

I have given the facts, and Arran's stories.

I have not space to cite, and we may entirely disregard, the rumours given in the letters of Chapuys, the Imperial Ambassador, because *he* thought he knew the nature of the charge against Beaton, while Henry VIII., till after April 12, did not know. The letters of Chapuys merely refract rumours, derived from the letters of the Wardens of the English Border. The historians, Knox, (writing about twenty years after date) and Buchanan, whose works are of 1571, and 1582, do not even know what Regents were proclaimed on December 19, 1542; they vary from each other and they are both wrong. They confuse the mythical forged *will*, signed by 'a dead man's hand,' with the extant notarial document.⁴

Knox tells us, and nobody else does, that the Regents of December 19 'took remissions for their usurpation,' on Monday, December 25, 1542. As they alone were in power, who could

¹ Sadleyr to Henry VIII., July 28. *Hamilton Papers*, I. 605, 606.

² Sadleyr to Henry VIII., *State Papers*, I. 134.

³ *State Papers*, Henry VIII., Vol. V. Pt. IV. p. 284. Cf. *Hamilton Papers*, I. 653.

⁴ Knox, *History*, I. 91-93. Buchanan, *History* (1581). *Admonition to the Trew Lordis* (1571).

give them 'remissions' ? If, blundering as usual, Knox means Monday, January 1, the 'private faction' which then chose Arran as Governor, might have given indemnities to the Regents. But, if so, they would be valueless till ratified, as Arran's appointment *was* ratified, in the Parliament opened on March 12, 1542-43. The records of that Parliament mention no such remissions: they are not mentioned in the Registers of the Great or the Privy Seal. Thus we have no proof of any forged will, and absolutely no official mention, even in diplomatic letters, of Balfour's instrument.

To end with my own impression; I think it probable that the notarial instrument was the basis of a compromise between Arran and Beaton, before Arran became Governor (January 1-3, 1542-43). Arran got the document, it is now in the muniment room of his representative, the Duke of Hamilton;—and the Cardinal *caused* Arran to take the Seal from his rival, the Archbishop of Glasgow, and to make him Chancellor of Scotland: though Arran, as we saw, had been trusting the Archbishop (to whom he restored the Great Seal in March, after the arrest of Beaton,) and snubbing and vilifying the Cardinal. In these circumstances, all parties were careful to make no allusion to the notarial document.

If there were a compromise, by January 1-3, 1542-43, what did the other Regents of December 19 obtain? On January 9, 1542-43, Argyll got a nineteen years' lease of the lands and lordship of Breadalbane, with other *douceurs*. On January 21, Huntly got a five years' lease of the lands and lordship of the Braes of Mar, &c.; and leases and escheats continued to fall into the laps of these potentates. (March 18. March 29. April 27. May 25).⁵

It may be urged, against my hypothesis, that the hold over Arran which Beaton possessed was a threat to go into the question of his legitimacy. Had Arran's father's divorce from his first wife, who was childless, been valid? If not, Arran was not heir apparent to the Scottish throne. I am inclined to think that this was not Beaton's hold over Arran, in December-January 1542-43. One reason is that Arran could not, by any promotion or gifts, wrench that instrument of torture from the Cardinal's hands, whereas, the notarial instrument once in his possession, he was safe as far as *that* went. The other screw, the possibly invalid divorce, Beaton could use at any time; while, by a

⁵ Register Privy Seal, MS. General Register House, Edinburgh.

curious coincidence, the Protestants could equally bastardise Arran, by applying what Glencairn called 'the law of God' to his case, if he sided with their opponents, and if their party were successful. In short, it was useless to pay blackmail to the Cardinal, without depriving the Cardinal of his means of extorting blackmail. Of the screw based on his doubtful legitimacy, Arran could deprive neither the Cardinal nor the Protestants. He consequently threw the weight of his clan, and his pretensions, alternately into the scale of the cause that appeared likely to triumph on each occasion. The obscure and complicated facts as to the elder Arran's divorce of his first wife are likely to be elucidated soon, as far as possible.

ANDREW LANG.

The 'Diary' of Sir Thomas Hope (1633-45) Lord Advocate (1616-46)

OF all contemporary materials for historical study none are more valuable than those 'human documents,' Diaries and Letters. The Scottish national character for marked individuality has so seldom indulged in personal revelation of opinion and feeling that it is unwise to overlook the few specimens we have. Such neglect seems to have overtaken the 'Diary' of Sir Thomas Hope. Published more than sixty years ago by the Bannatyne Club, historical writers have done little to popularise its merits. The editing of the volume gave no help in reading between the lines, though it was a great service even to put into print the very small and obscure writing of the MS., still preserved at Pinkie House by Sir Alexander Hope, the representative of the elder branch of the family founded by Sir Thomas. At first sight but a series of short, disconnected entries, the 'Diary' is found to throw a flood of light on the public events of what was one of the most momentous periods of British history. Besides, it reveals the *vie intime* of an interesting character, his social and professional life in Edinburgh and in his rural retreat, his intellectual calibre, and his attitude to contemporary movements in Church and State.

The 'Diary' is not only a private confessional, but a record of daily occurrences as affecting not only a public man but a citizen of the capital and a country gentleman. In regard to public events there is the reticence to be expected. But the expression of personal feeling and of the ties of family relationship is of the frankest. In this last respect it is, for its time and country, unique. We have no such picture of family life as this revelation of the grandson of an exiled Frenchman, a Des Houblons of Picardy, assimilating all the Calvinistic sincerity and dourness of a time and country in which these qualities were so conspicuous. It is possible, in a limited space, to exhibit but a few of the features of the work.

As King's advocate Sir Thomas was in a position to see everything, and especially events that seem to us of great moment. Keen as all his compeers were in business and the watchful study of character and conduct, shrewd in a bargain or a law plea, sticklers for orthodoxy in so far as prudently and privately interpreted, we can only regret that neither he nor any other of his day ever dreamt of being a Pepys or a Walpole. Thus in the 'Diary' Montrose is, 'about 8 of nycht, putt in the Castell be the Committie, June, 1641,' without a word of comment. Next month there is the off-hand entry:—'Mr. John Stewart beheidit at the Mercat Croce for his lewis aganis the Erll of Ergyll.' We have more about the King's last visit and Parliament in Scotland, when he was so hastily called away by the rebellion in Ireland (1641), but this we owe to a hot point of privilege between the Advocate and another officer of State. The Privy Council sat long over the Royal Proclamation of the visit 'till efter tuelff. Bot the knok wes holden bak, and the croce clothit with tapestrie, quhilk the Prouest and Baillies being sent for could not find. But I causit bring als monie furth off my hous,' (in the Cowgate and not far off) 'vthorwais it wald haif bene done without couering.' There was not much enthusiasm in the Covenanting Town Council of Edinburgh over the visit.

As the time drew nearer there were other difficulties, the Earl of Winton telling the Privy Council that he was 'inhabill to ludge the King at Seytoun,' near Prestonpans and one of the finest mansions in Scotland. The King arrived at Halyruid at last, 'about six at evin.' Three days later he 'cam to the Parliament in coche, about 10.' It was held in the new Parliament House, in the hall as we see it now. The huddled up close of this Parliament, marking, as it proved, the crisis of the King's fate, is significantly noted in brief:—'17 Nov. The Parliament raid. 18 Nov. The Kingis Majestie tuik journey to England.'

The stirring events of 1638 are but briefly referred to, but there was natural confusion in the capital, when with the following spring came the news that the King was preparing to suppress the Covenant by force of arms. There is a brave 'wappenschawing' in Edinburgh at which the College of Justice musters 500, including 'ane number of the auld advocates and wryters.' A few days before, the Castle is 'braschit be pittardis and takin be the nobilitie.' Young Sir Thomas commands General Leslie's bodyguard, while his brother and brother-in-law, Sir Charles Erskine, both rode out under the Banner of the Covenant. Sir

Thomas himself could hardly be a combatant, so he hands over his arms to his sons:—'My putrinell or carabin, indentit of rowat' (? Rouen) 'work; sword and pistolles; long carabin of rowet work all indentit' (inlaid), 'with the brace iron key and gold string; litill rowat carabin of mother-a-perll stok, to be usit quhen I haif not to do therwith, but to be readie quhen I call for it.' While at his house of Craighall he buys in Cupar, near by, two pistols, which he entrusts to his man there, along with the 'calmes key' or mould for bullets, 'to keip and dress for my use.' There is also the anxious stowing away of valuables. Sir Charles Erskine is instructed 'to put within my little irne kist his coffer with jewellis. All thir, with the meikill irne kist and writts being therin, ar putt in the laich volt cellar for eschewing of fyre; and committis the rest to the Lord.' Later on Lady Hope, with a packet of letters, crosses over from Fife 'to close vp the voutis, and sand the vpmost houssis for feir of grenades.' Meantime the King's fleet appears in the Inchkeith roads and his army is nearing the Border. At Foulden, near Berwick, the Advocate meets his Majesty in conference. The Estates are thereafter summoned, a peace is patched up, and the King makes a hasty return southwards to meet still more serious troubles.

The crisis of the Parliamentary struggle came in 1643, when the Solemn League and Covenant finally commits the whole Covenanting strength to the overthrow of the King. Sir Thomas notes the momentous 'subscreyving in the Eistmost Kirk of St. Jells' (13 Oct.). Among others 'Mr. Merschell, the Inglishche minister' (the Stephen Marshall of Milton's 'Smectymnuus'), 'spak, being sitting with the Inglishche Commissioners under the reideris dask; and the nobilmen satt foiranent the minister, at the syd of ane tabill covert with greyn; and all the persones of the Committie satt at the tuo endis of the tabill, in a traverse tabill both south and north.' Sir Thomas tells us that 'being thair I renewit my vow to adhere' to the Covenant, but he wisely stopped short at that part which required him 'to mayntene the privilegis of the Parliament of England,' with which as a subject of Scotland he had nothing to do. This precisely involved the point on which the covenanting parties were to split. But as yet all are on the full tide of the new enthusiasm. With the new year the 'old crookbacked soldier,' General Leslie, marches south with that Scotch contingent that was to prove the undoing of the King:—(8 Jan., 1644) 'General Leslie cam to my chamber about 6 at nycht and tuik leave of me, being to

begin his journey to Inglan on the morow.' With him went the recruits from Sir Thomas's own lands:—'This day, gevin to the soiours of Craighall, quho gois vnder Capt. Moffet, ilk of them thair collorrs' (colours) 'of blue and yellow silk ribbins, quhilk cost 4 merks. To them to drink amang them, j angell.' Of the terrible doings of Montrose in harrying the land for King Charles during the following summer the 'Diary' says nothing, but in a letter to Sir Charles Erskine (7 Aug., 1645) he is told how the fiery Royalist swept over the plain of Alloa and Dollar like a blight, and, as a matter of personal interest to Sir Charles, he adds, 'this last nycht thay wer at Alloway, quhair as I heir Montroiss wes resett be zour brother' (Earl of Mar), 'quhilk I will not believe.'

It is the Church and not the Law that connects Sir Thomas with two notable contemporaries, Johnston of Warristoun and Alexander Henderson, joint authors of the National Covenant. The former is entered as a name and nothing more. Henderson's historic appearances are noted, as well as some of the occasions when he was heard preaching, but without a single indication of the impression made by this very remarkable man. In 1642 he baptizes a grandchild of Sir Thomas's, one of the witnesses being Sir William Dick, the great banker who financed the Covenanting resistance. The same year found Sir Thomas at his ¹ place of Cramond, where he had built the laird's aisle in the church. Here 'Mr. Alex. Henrysoun, ministrat the Communioun for x tables, and also preichit efternone.' On both occasions the memorandum, *palliatus*, is added, as if he regarded the fact of the preacher being gowned as a Prelatic innovation. He elsewhere records his objection to Laud's innovation, kneeling at the Sacrament, as well as the fact that that prying prelate had written him a letter reprimanding him for communicating at Pencaitland, doubtless in offensive Low Church fashion. Henderson's sermons are almost the only ones of the century that make tolerable reading to a modern, so that it is unfortunate we do not have, from so shrewd and honest a layman, some estimate of the effect on this occasion. It is quite characteristic, however, to note only that Henderson was gowned, perhaps as an

¹ This 'Place' is better known as Hopetoun. Sir Thomas's son, Sir James, fell heir to it and to the Leadhills mines through a marriage that his shrewd father negotiated for him. His grandson, Charles, was first Earl of Hopetoun and ancestor of the Marquis of Linlithgow. Sir James sat on the bench (1649-61) as Lord Hopetoun.

expression of the preacher's dislike to the growing influence of the Brownists or Independents who were soon to rob the old Scots Church service of much of its beauty.

The nearest church to the Cowgate house was the Magdalen Chapel, close to the base of the Free Library, but it is mentioned once, and then only in the matter of the baptism of a grandchild, 'verie waik, and I desyrit him to be baptisit; quhilk my wyff excusit, that they durst not tak the bairne furth in the cold air.' The compromise was the Chapel, but 'my wyff wes angrie at my greife.' As a State official Sir Thomas would be expected always to worship in the East Kirk of St. Giles, where he must have been a steady attender, to judge by this:—'At 2 efternone I had a heavy brasche of the colick, quhilk vexit me till I vomit all, and gatt rest in my bed till Sounday in the morning, at quhilk I wes delyverit, and rose to the preiching; for quhilk I gif God prais.' Sometimes a fire perturbed the congregation. On a Sunday in 1639 Mr. Alex. Henrysoun has just begun the exhortation prayer when there was a fray in the kirk, due to the report of a fire in a house 'on the north syd of the gait; quhair-upon a gritt part of the pepill, with the Provost and Magistrates, ischit furth; and the minister stayit till thair return, be the space of 3 quartern of ane hour.' Altogether the clergy, even the leaders, get no prominence in the 'Diary,' strengthening the general impression one must form that the momentous rising of 1638 was essentially a movement of the barons, deeply roused by the King's threatened resumption of the Crown feinds in the hands of the lay patrons.

Sir Thomas was a devout man both in public and private according to the fashion of the time. We have no note of long wrestlings in private prayer such as Johnston of Warristoun is said to have indulged in, though he tells us once of being so engaged before rising in the morning, when he is answered by spiritual whisperings, unheard, he adds, by his wife. To that gross form of superstition—witchcraft, and demoniacal possession—there is no reference. But it is characteristic of that 'closer walk with God,' ever present to the Covenanter, that he reads a divine message in all his spiritual communings. His record of them we ought to be grateful for, since it brings us into the closest personal touch with him.

The old-world pride of family is revealed in the estates purchased as well as in the numerous references to the doings of the children and all the tender ties formed through them. In

this there is some compensation for the absence of that shrewd observation of men and things which was scarce possible in those days of caution, reticence, and often forced religiosity. Such references are all the more valuable, too, because we have scarce any pictures of family life at that time. The sons—John, Thomas, James, and Alexander, the scheming for their worldly advancement, the girls, and their husbands, and children—these all figure with more or less fulness in the ‘Diary’ and ‘Letters.’ Of their mother there are few direct personal notes, a revelation quite in keeping with the conventional expression of deep feeling in vogue. She is always simply ‘my wyff.’ When he writes of another’s wife she is ‘your bedfellow.’

The third son, Alexander, quite in keeping with old custom, separated himself from the family interests, and took the side of King Charles, ‘quhom,’ as his father says, ‘he idolit as his god.’ His extravagance seems to have been a shock to his old-fashioned parents. The story of it is worth telling as an exceptional revelation of deep feeling on the part of the old man. In 1635 Alexander is sent to follow his fortunes at Court, there to push for place, as so many young Scots nobles had been doing since the Union. The *persona grata* who introduced him was entrusted with fifty gold pieces for his service. What, for those days, were large money payments had too often to follow those pieces, generally through friends who were bound for Court, such as the Earl of Mar, Lord Lorn (the great Argyll). Success in suing came at last, and in significant fashion:—‘(25 Oct., 1636) Letters to my sone with thanks to sundry gentlemen for concerting with him to agrie with Taverner to putt off the Chancellor from Mungo Murray, in the suit of the place of carver, for quhilk Mr. Alexander is to pay to Taverner £150 sterling.’ To sustain the dignity of the young Scot, ‘at this tyme one Peter Loch, a footmen, wes sent up to serve my sone, to quhom was gevin fyve dollors,’ a sum ridiculously out of keeping with his master’s spending, which seems to have been on an alarming scale, to judge by these notes:—‘(14 Juni, 1637) A letter from my wyff to Mr. Alexander, forbidding him to send the wathe, and chydng him for his spending’; (28 July) ‘ressavit letters to pay to Patrik Wod £70 sterling, quhilk he had borrowit from his factor’ (agent), ‘to the quhilk I wrot a very angrie letter and his mother another’; Sir Thomas is so angry that the letter is ‘directit to him in his mother’s name,’ and shortly after the elder brother, Thomas, is instructed to write, ‘because I wald not wrytt myself.’

It seems that Alexander had secured a pension of £150 sterling as His Majesty's Special Carver.

A gift, from his mother, is in striking contrast to her son's costly watch:—'Item, one from his mother with the nott of the aittis, peiss, cheiss, salmond, and hering sent to him.' In 1641 we have a deeply pathetic appeal to the son from the father himself:—'As for the last part of your letter concerning yourself it hes gevin so deep a wound to my hart that I must take tyme to gather my spirit. The Lord pittie me, and direct yow in a more prudent way, and keep yow from tempting him by distrust and diffidence in not waiting patientlie for a releiff of your distresses from him, and in crocing the wearie hart of your aged father, and bringing his gray haire to the grave with sorrow. Butt of this at greter lenth quhen I haif digestit in some mesur the excess of my present greif.' Imprudence of this kind was abhorrent to the nature of the Advocate, who ever laboured to fulfil the apostolic injunction—'not slothful in business, serving the Lord.'

It is pleasant to note in the 'Diary' evidence of the beginnings of a great social change. Sir Thomas was among the 'gentlemen of the long robe' who invested the proceeds of the 'dreepin' roasts' that came to them professionally, in broad lands, thus leading the way to the mansions and pleasaunces that in time transformed the old, forbidding feudal aspect of the country. The lands of Craighall must have been among the earliest of the Advocate's purchases, for in 1631 we learn he had mortified 100 merks yearly for the support of a school in Ceres. On the east end of the church may still be seen the burial-place of the old Crawford Lindsays, long lords of the soil. There reposes the stern Crawford who compelled Queen Mary to sign her abdication. For a century and more the old house has been in ruins, but the Hopes lived there till about the Union of 1707. It stood about half a mile from Ceres, 'upon the north bank of a den, planted with trees, a situation beautifully romantic.' Thus writes the minister in the *Old Statistical Account*, adding that a little rocky hill shelters on the north from which the place got its name. This clears up an obscure note in the 'Diary.' Now and again Sir Thomas enters one of his dreams in Latin. Thus in 1641 he dreams of being caught in a thick mist in *hortis petrocellanis*, as if it were 'in the gardens of parsley.' But he is not thinking of *petro-selinum*, the Latin from which we have 'parsley.' He is really translating Craig Hall as the Cell on

the Rock or little rocky hill of the *Statistical Account*. On a later occasion he enters a solemn vow, when on the point of setting out *ad Petrocellam*, his own pet name for his favourite retreat. In his youth he had published Latin verses, his *Carmen Seculare*, but his active life allowed only of a playful word-coinage or a dream record in the classic tongue. His tastes seem not to have lain in gardening or improving, but he takes an interest in the working of the neighbouring coal-pits.

Two of his frequent journeys from Edinburgh were eventful. When ordered to withdraw to Craighall early in 1640, he left Leith within ten days of receipt of the King's letter, and 'in Bruntiland a' (one) 'nicht, cam next day to Craighall about 12.' Considering the road and the season of the year the progress was good. The Lowther party (1629) had an unpleasant experience on this road, to this effect:—'The river of Ore, narrow but deep and fierce; we rid it the height of the horse's mane and the fierceness of it turned the horse off its feet.'

A few years later his son, Sir John,² gets 'seisin' of Craighall as his own, but Sir Thomas continues his visits almost to the end. The summer of 1644 was mainly spent there. The leisure now earned seems to have offered the chance of reading, as this hints:—'Sent my bookis to Craighall, being of purpose to go thither myself?' (Ap. 1644). Within a month he is suddenly summoned by Sir Charles Erskine, just come home from France to find that his mother, the Dowager Countess of Mar, 'had takin a deidlie brasche' in the house in the Cowgate. On this summons Sir Thomas made the journey from Craighall through Fife with a speed that was worthy of the railway pace of pre-Forth Bridge days. 'Immediatlie I went furth of Craighall, about 8 in the morning, and came to Bruntiland about xij hours, and was at Leyth ane quarter efter one.' The lady died in Sir Thomas's house in the Cowgate, and was buried at Alloa. The funeral was, of course, a great event. Says Sir Thomas, 'I went to Alloway to the funeralls off the Countes of Mar, being 20 hors in trayne, quhair my charges wer £96; and returnit to Craighall on Setterday.' In those ceremonious days the 'suits of woe' were not soon parted with. 'This day,' says the 'Diary,' 'my sone Craighall went to sermoun, and we changit our mourning weidis for my deir dauchter, Margaret, and no sooner, and so we wore them for a zeir and 13 dayis.'

Sir Thomas Hope is a favourable specimen of a public man in

² Sir John was raised to the Bench as Lord Craighall.

his day and generation. In regard to the questions that moved men in religion and politics, he must have formed his own opinions, but in his pages one need not look for any critical estimate of the bearings of policy or of practice. The notable men he meets—King Charles, Buckingham, Prince Rupert, Laud, Montrose, Warristoun, Henderson—these are all names and little more. Nor does self-inquiry go further than an almost pagan study of portents and providences, and a prayer for better control of faults of temper, presumably regarded as a hindrance to advancement. The most favourable aspects he presents are on the side of the domestic affections, notably a frank simplicity of character, and integrity in the discharge of duty. In common with the most intelligent of his countrymen, Drummond excepted, he is untouched by the glories of Elizabethan literature. Of his own education or of that of his sons we are told nothing. He was a student of the newly-founded College of Edinburgh, for he notes the death (1643) of 'Good Mr. Adam Colt, my regent' or College tutor. That he himself went abroad for study to fit him for public life is unlikely, though Lowther's observation (1629) on the advocates is to this effect:—'Most of them have been travellers, and studied in France.' He appreciates this training by sending his sons to study abroad, and even advises Sir Charles Erskine, when on a visit to France, to stay till he 'get a grup of the language.' That he was not entirely immersed in affairs is witnessed by references to his books, by the free use of Latin on occasion, and by the presence now and again of a Greek or a Hebrew phrase; but he never goes out of his way to speak, otherwise than as mere matter-of-fact, of schoolmaster or of clergyman.

The intellectual status of Sir Thomas is to be estimated entirely on indirect evidence, such as has been already presented. There remains the consideration of his reading and of his writings as a specimen of the spoken Scots of his age. The fact that these are quite artless and undesigned makes them specially interesting.

Bible-reading was regularly carried on as a religious exercise, but the numerous vows and soul-questionings are not, as was usual with the serious-minded, accompanied by Biblical quotation. Hebrew he read:—'This day beguid at the 4 of Nombers in the Hebrew lection: Lent to my sone Craighall 4 tomes of Hebrew Bibill of Rotus Stephanus characteris.' A few words in Hebrew character are also inserted. Sometimes an entry is made in Latin. Thomas à Kempis was one of his favourites. The only other

allusion to books is this:—‘Sent a letter to Erl Ancrum, to caus prent Franciscanis Vllisemus (Volusenus), or to send him heir to me to be prentit, because Mr. Robert Balcanquell wes importuning me to haif him restorit, as ane auld monument of Scottis antiquity.’ The Earl was himself of some repute at the English Court as a poetaster. This Volusenus, an honest Scottish Wilson Latinised, was born at the beginning of the 16th century on the banks of the Lossie, and from the school at Elgin proceeded to Aberdeen University, later on to be known as tutor in Wolsey’s household, and thereafter as professor and humanist Scot Abroad. It is hard to guess the point of interest Sir Thomas found in his writings, but he was well known to George Buchanan, and has three of his poems in the *Delitiae Poetarum*, that anthology of Scottish scholarship in Latin verse, in which Sir Thomas himself was represented. One would have preferred to see him show a little interest in what Andro Hart was issuing, say, in 1629, under his very eye, from his shop on the High Street, almost opposite the Cross. He may have rubbed shoulders with Drummond of Hawthornden when he chanced to come into town to see Hart about what he was doing for him that year, or with Montgomery, busy sending forth through Hart his *Cherry and Slae*. But the time had not yet come, least of all to even an intelligent Scot, for that wider outlook and keener observation of men and things, of Nature and art. The open book which he had ever to watch was the crooked path of his own fortunes. Outside of that the one literary influence most powerfully present would be his Bible, and there he found the highest authority for his study of dreams, portents, and mystic communings.

In these writings of Sir Thomas we have, to the life, the language and style of an educated gentleman of the seventeenth century. There is no forced pathos, and still less is there an approach to humour, but occasionally we have, in a proverbial form, specimens of that peculiarly antique combination of worldly wisdom and graphic phrasing. To put a bone in the foot of an adversary is his equivalent to our putting a spoke in his wheel. His professional experience of the part played by property in estranging parties comes out in this:—‘Meum and tuum, quihilk spillis the sport in all playis.’ In the case of a laird with whom the Earl of Annandale, his client, has the usual ‘pley’ over ‘widsettis’ (mortgages), he advises ‘to latt him byt on the brydell, and I sall terrifie him with putting the minut in

registers and charging him to extend and fulfill the samyn vnder the payne thairin conteynit, quhilk is £10,000 stirling.' Though he lived in an age at once of plain-speaking and coarseness alongside of lip-piety there is no trace with him of any of these. When face to face with his enemies—and he had them—he is clear, firm, and dignified. With two agents of the King's unpopular policy, Traquair and Hamilton, he has warm moments. His replies compare favourably with Traquair's rough rejoinder: 'The Commissioner, without any occasioun offerit be me, brak out violentlie in thir speiches, eftir I had ressonit the point exactlie for his Majestie: "Be God, this man cares not quhat he speaks."'

Devotional writing, which formed the bulk of the literature of the century, is so much under the influence of English as to very imperfectly preserve the speech of the day; for the Scot, in virtue of nearness to England and his own pronounced individuality, was always bi-lingual. But the diction and pronunciation of Sir Thomas are genuinely national. This is illustrated by the following phrases, culled at random:—'Maryit on (for to): the debtis auchtand (owing, the Northern pres. part.): quhilk ar thir (which are these): 6 scheit of paper: your tutor his letter: deirer to hir nor (than) himself: I think or (ere) now you haif them: is better acquaint (old part. in -ed dropped after a dental): I wreit (past tense) my ansuer to the haild douttis contenit (past part. Northern): the saids landis (plural adj. and plur. in -is): vpon the other morne (morning): but this man be provin (unless this must be proved): betuix and the tent of this moneth (between now and the tenth): we haif mett att divers tymes with the Erll and findis him verie willing' (good example of the Northern verb plural in -s throughout). His diction shows something of the foreign influences that affected Scottish speech. To his academic and professional training we owe these: keip peax (Lat. pax, peace), quaeres (queries), he may distresse his mother (distrain), a peice of festinatioun (Lat. festinare, àpropos of asking a judgeship for his son at twenty-one), I intend to superceid (Lat. supersedere, put off) the ending (issue), thocht he be accomptit ane young man.' Though his grandfather was a born Frenchman, his diction does not show any exceptional familiarity with the language. The following recall their foreign origin:—'Abillzeamentsis (habiliments), the valour (Fr. valeur) of the tithes, it sall haif ane essay (essai), I sall travell to draw them to thair tryall, oblissis and oblischement, it is bruttit that

Capitane Cokburne is deid' (bruit). Very few words occur that require glossing through lapse of time. Examples are:— 'Trubill or fascherie; warit (expended); bruikit (enjoyed); hold zow be your maik (match or equal); thir fyve or sax oulkis (weeks—now only in Aberdeenshire); if my Lord sall scar (feel afraid) at this; letter to Mr. Alexander to chaip (buy) ane jowell and to send me word of the number and bignes of the diamondis.' Through the close connection of Scotland with Holland come two words of much interest. Sir Thomas refers to a document 'quhilk I patt in my blak cabinet in the midmost of the two blak schotells' (Ger. Schüssel, drawer, flat dish) 'quhilk ar in the middes thair of.' In the 'Wedderburn Book' (Scott. His. Soc.), of the same age, we find:—'Ane aiken freiz pres with schottles of aik thairin.' The Boer War made us familiar with the word, schil-pat, the name in South Africa for the land tortoise. The 'Diary' shows that Sir Thomas knew it. (1638) 'Ressavit from my sone my rod with the King's portrait on the hed of it, of porcupine penne' (quill) 'or of the schell poddokis' (puddock). Sir Thomas's observation is not clear here. His remark must apply, not to the walking-stick so much as to the nature of the setting of the portrait. Among the ominous accidents he loves to record there is a clear reference to such a 'rod':—'The rod I walk with wes brokin in peices and nothing left of it but the siluer head.' His speech shows the same confusion between 'rod' and 'road' as in modern dialect:—'21 Maij, 1639, This day General Leslie, Erl Rothess, and Lord Lyndsay tuik journey to the bound rod.' The expression 'the bound rod,' here is one of the many obscurities of the 'Diary.' I found a solution in the *Muses' Welcome* to James I. on his visit to Scotland in 1617.³ One of the pieces there extols the King as uniting, under one crown, the two sides of the 'bound rod,' evidently an expression for the boundary between Scotland and the 'auld enemy.'

In the absence of an established norm for spelling, whether regulated by printing or by teaching in grammar school and

³ In the great hall of the Place or Abbey of Paisley, Sir James Sempill of Beltrees greeted the King in the Oration recited by his son, 'a prettie boy of nine,' thus:—as the result of the Union 'one beame shall launce alike on both sides of our bound rod and our Phoebus (James I.) no more need to streach out his armes on both sides of it, devyding as it were his Royall body for embracing at once two devided Ladyes'—i.e. Clytia (Scotland) and Leucothoe (England). The expression is slightly different in Spalding's *Troubles*:—'Felt Marischall Leslie is makeing great preparation to the Boullrode' (March, 1640).

college, at that time entirely conducted through Latin, it is fair to regard the form the words assume as indicative of pronunciation. Spelling under such conditions can only be phonetic. In this regard the spelling of Sir Thomas much more truly reproduces the tones of his voice than any modern writing could. His spelling is perfectly consistent, and supplies most instructive information in regard to the development of the mother tongue. In his speech the 'quhilk and quho,' 'the ane,' and the 'ze' (ye) still hold their own, but the last only in a very homely letter. The first did not survive his own age. Its initial *qu* was originally a useful mark to emphasize the strong Gothic guttural, *hw*, still surviving in Scotch pronunciation, the elimination of which is a loss to modern English, so that 'which' and 'witch' sound alike. The omission of 'l,' so persistent now, and in effect analogous to the English vocalising of 'r,' did not prevail at this time, witness 'sould, wuld, coll (dock, cut short, now cove), call' (drive, now cawe) as in the judicial torture known as 'calling the boots.' Abbreviated words are frequent:—Secretar, necessar, ordinar, lenth, strenthening, chamerlane (chawmer, chalmer, chamber). Some of them seem due to slovenly pronunciation, as solice (solicit), proportis (purports), escapes (escapades), entres (interest). The German nasal, still common in dialect, is shown in sing-ell (single), angell (angel, a coin). A strong guttural is heard in aneugh (enough), 'the laichest' (lowest) 'pryce.' A hardened sound appears, again, in sik (such), besek (beseech); off for 'of,' behove (behoof); and *s* hard in becaus, hous and houssis, pleass, coussing. The vowel sounds are more uncertain. The following may be grouped under the vowels in their usual order:—spak, brak, latt (let)—*a*; hes, wes, eftir, glaid (gled), haif (have), sait (set, noun), bay (be or by), the last post—shut *e*; breist, freind, freir (friar), signifeit (signified)—open *e*; thift, widsettis, liklie, wreit (writ and wrote), greit (great)—shut *i*; nott (note)—shut *o*; sone (Ger. Sohn, son), one (one)—open *o*; bund (bound)—shut *u*; soume (sum), jowell (jewel)—open *u*; saull (soul), yow (you, still in Border dialect), awin, awne (own)—diphthongs. Proper names must have been written purely phonetically, and are interesting in preserving local colour. Sir Thomas uses these:—Airthour (Arthur), Areskin, Erskine (place-name, Aitrik-stane), Fotherance (Fotheringham), Vauss (de Vaux, now Vans in Wigton), Bruntiland, Ripont (Ripon), Carrail (Crail as in old spelling), Mononday, Setterday, Mertimes, quhill (untill) the 28 Merche.

These observations, of a more or less philological character, ought to commend themselves as a side-light on historical study. Much learning has been expended on the verse remains of the Scottish vernacular, but little attention has been given to its prose, as preserved to us in diaries and familiar letters. The abundant religious literature, if it can be called so, of the seventeenth century is substantially English in diction, and therefore of little use on its language side. But we may be sure that men like Sir Thomas Hope put down in their diaries exactly the language used by them in daily intercourse with those of their own class. The record, being still unaffected by conventional printing, preserves the very tones of voice and the characteristic diction of the time. It so happens that, whereas the old vernacular verse diction has not lived in colloquial intercourse, such speech as we have in the 'Diary' was till quite recently that of old-fashioned, homely Lowland folk.

JAMES COLVILLE.

The Early History of the Scots Darien Company

INVESTIGATION BY THE ENGLISH PARLIAMENT*

THE investigation, made first by the Lords and then by the Commons, is important not only because of its effect on the character of the Company, but also for the stimulus it gave to Parliamentary interest in the great London trading companies.

The origin of the investigation is obscure. Various rumours were current at the time, which were set forth in a small flyer entitled, *Caveto Cavetote*, dated at 'the Admiralty Coffee-House at Charing Cross, the 14th of December, 1695.'¹ Some said the investigation was instigated by parties whose idea was the benefit of English rather than the confusion of Scots trade, and who hoped to profit by arousing national jealousy over an act which they claimed gave Edinburgh the opportunity to surpass London as an *entrepot*. Others said the investigation was started by Jacobites in order to embarrass the government and discountenance the King. Still others that the main instigator was a Scotsman, a disappointed politician who hoped to curry favour with the English by traitorously attempting to wreck his country's new enterprise. All of these causes may have had a share in the matter. Yet if one may judge by the character which the investigation took, it seems most probable that the merchants of London thought they saw here a chance to gain larger privileges by making Parliament believe that the welfare of the country was seriously imperilled.

Parliament met during the last week of November. On December 2nd, the first day of real business, the House of Lords resolved to consider the Act.² Accordingly, on the 3rd, the Act

* See *Scottish Historical Review*, vol. iii. pp. 210 and 316, for the earlier stages of the History of the Scots Darien Company.

¹ The only known copy is in the Library of Congress.

² *Jour. Ho. Lds.*, xv. 602.

was read amid considerable excitement. After a long debate, it was decided to ask the East India Company, and the private traders to show wherein the Act was prejudicial to the trade of England, and to give an account of the inconveniences that might arise from it. The Commissioners of Customs were also instructed to show how the Act would injure English trade.³ The East India Company showed remarkable haste in complying with the request for information, for on the very day that the order passed the Lords they appointed a committee to prepare a reply.⁴ They probably had excellent reasons for supposing that such a requisition was to be made.

On the 4th, nothing daunted by the attitude of the Lords—it is barely possible that they had not heard that their charter was being attacked—the directors of the Scots Company held a meeting, and considered sending ships to the East Indies.⁵

On the 5th the Lords heard the opinions of the Commissioners of Customs, and of the private traders. Memorials were presented by the East India Company and the African Company.⁶ The latter laid stress on the great expense of carrying on their trade, and the necessity for larger privileges. By the Scots Act the African trade would be lost to England, for the Scots could trade cheaper, their goods being free from customs duties, and they had the right to make reprisals, both of which advantages were denied to the English.

The memorial of the East India Company declared that owing to the duties and restrictions that had been imposed upon them in England they could not compete with such an unhampered Company as this of the Scots. They also referred to the power to make reprisals, to the advantage accruing to the Scots Company from a joint stock, and to the privilege of being able to exclude interlopers, all of which had been refused them. Attention was called to the great advantage of having its ships and goods free from all manner of legal restrictions, taxes, and customs. This alone would make Scotland the *entrepot* for all East India commodities. They pointed out the danger of goods being smuggled across the border into England, besides the great encouragement offered Englishmen to join the Company and thus be free from the heavy duties and other inconveniences

³ *Ho. of Lds. MSS.*, ii. 3; Narcissus Luttrell, *Brief Historical Relation*, iii. 557.

⁴ MS. Minutes of the East India Co., Court Book No. 37, folio 41B.

⁵ *Id. supra*, p. 323.

⁶ *Jour. Ho. Lds.*, xv. 605; *Ho. of Lds. MSS.*, ii. 3 and 13 to 15.

imposed by a too careful government. Their statements were substantiated by the large sums which had already been subscribed in London towards the new Company. Even some of their own members had been tempted to invest because of the great advantages offered. In conclusion they declared that a careful comparison of European acts establishing commercial companies showed the Scots to have privileges equal to, or greater than, those of any other Company.⁷

The private merchants in like manner maintained that the Act would be prejudicial to England unless more liberal terms were granted to the English traders. Apparently the merchants were successful in using the Act as a lever to secure favourable Parliamentary action, for on the next day the Lords ordered that all the trading companies in London lay before the House an account of their losses during the past year.⁸

On December 6th the directors had their last meeting in London, for seven of the directors were summoned to the bar of the House, and the Lords went into an elaborate investigation of the affairs of the Company. The directors were asked why they had incorporated themselves in a company likely to be prejudicial to England. They answered, innocently enough, that they had not thought it would be prejudicial to England, nor supposed it a crime to be incorporated in Scotland. Upon being asked for a list of the subscribers to the Company, they declared that after the subscription book was closed, it had been given to the directors from Scotland, whose names they furnished with those of the new directors. These were now ordered to appear, the Scots to bring with them the subscription book. Later in the day Paterson, being called in and examined, stated that he had been solicited in May to give an opinion for an act, that from this opinion the Act was drawn, but he did not know what measures were used to secure its passage. The Lords suspected the use of English money, but could find no trace of it.⁹

Meantime the canny Scots had sent off the subscription book post haste to Scotland. When called before the Lords and asked for it, they stated that they did not know until Wednesday that it was wanted, and had sent it away on Tuesday. Then Roderick Mackenzie, the secretary, was called in, but he also declared that he knew nothing of the whereabouts of the book. It was all

⁷ *Ho. of Lds. MSS.*, ii. 14.

⁸ *Jour. Ho. Lds.*, xv. 606.

⁹ *Jour. Ho. Lds.*, xv. 608 ; *Ho. of Lds. MSS.*, ii. 4, 5.

most annoying. One of the delegates from Scotland was again asked when he had had the book last. He answered that he had parted with it on Friday, when he had given it to his man who was now on his way to Scotland.¹⁰

On the 12th the Lords heard the Commissioners of Customs, who observed that the Act must necessarily have a fatal influence upon the trade, navigation, and revenue of England.¹¹ If it could not be repealed, legal encouragement ought to be given to the English traders. They advised also that Englishmen be discouraged, under severe penalties, from having anything to do with the Company. They said the English navigation acts ought to protect the merchants from encroachments, but it might be necessary for the governors of the American plantations to be 'awakened on this occasion to put the aforesaid laws into vigorous execution.' Moreover, a certain number of vessels of competent force ought to be appointed to cruise on the coasts of America and elsewhere, with instructions to seize, and bring in as prizes, all such ships as might be found trading in contempt of the aforesaid laws.¹² As recently as October 16th, Edward Randolph had submitted to them an account of the plantation trade, in which he spoke of there being already considerable illicit trade with Scotland.¹³ This would, doubtless, increase under the Act, unless special measures were taken to check it.

Following the Commissioners of Customs, came the representatives of the East India Company with another paper urging that the best way to prevent inconveniences to English trade was to establish their company by an Act of Parliament, which should grant such privileges and immunities as were necessary. In opposition to this request for a monopoly, came Mr. Gardner, a private merchant, who suggested that trade be made more open instead of less so. He also urged that the duty on East India goods be refunded on exportation, that no persons residing in England or Ireland be allowed to be concerned in the Scots Company, that all Scots ships putting into any English port be heavily mulcted before being allowed to sail, and that the Scots receive no relief or assistance from any of the English colonies. This last suggestion was destined to be secretly adopted by the Government, and to have dire consequences for the unfortunate

¹⁰ *Ho. of Lds. MSS.*, ii. 6, 15, 17; *Jour. Ho. Lds.*, xv. 610.

¹¹ *Ho. of Lds. MSS.*, ii. 17.

¹² *Ho. of Lds. MSS.*, ii. 17.

¹³ *State Papers Colonial, America and West Indies*, xv. 71.

colony at Darien. The Royal African Company also presented another paper in which they urged the granting of larger privileges by the English Parliament. They too conceived that the only way to prevent great mischiefs was to establish a company with exclusive rights, *i.e.* a monopoly.¹⁴ The Lords did not at present take the hint about granting the English traders larger privileges. Instead they voted to present an address to the King, representing to him 'the great prejudice, inconveniences, and mischiefs' the Act might bring to the trade of England.¹⁵

By a curious coincidence—or was it something more—on this very day the Commons resolved that for the more effectual preservation of English trade, a 'council of trade' ought to be established by Act of Parliament.¹⁶ This was known later as the Board of Trade. It is impossible to prove any connection between the investigation into the inconveniences arising from the Scots Act, and the establishment of the famous Board of Trade. But one cannot help feeling that the great interest which the Scots Company aroused in matters relating to trade was a considerable factor in the Board's establishment just at this time.¹⁷

On the next day, the 13th December, the Address was considered and agreed to, and a message sent to the Commons desiring their concurrence.^{18a} In the manuscript minutes of the House of Lords for this date there is this entry: 'Moved that a day may be appointed to receive what may be proposed in order to have union between England and Scotland.'¹⁸ Already clear-headed men saw that the only real remedy for the inconveniences arising from the Act was a union of the two realms, but in the present excited condition of the Lords such a suggestion was not likely to meet with any consideration. The entry was cancelled.

On December 14th the Address was considered in the Commons, and agreed to without discussion. It is rather curious that hitherto they had taken no formal notice of the Scots Company. It might have been supposed that they would have been the first to take cognizance of this danger to English trade.¹⁹

¹⁴ *Ho. of Lds. MSS.*, ii. 17 to 19.

¹⁵ *Jour. Ho. Lds.*, xv. 610.

¹⁶ *Jour. Ho. Com.*, xi. 359; Narcissus Luttrell, *Brief Historical Relation*, iii. 560, 563.

¹⁷ Leopold von Ranke, *Hist. of England*, v. 104.

^{18a} *Ho. of Lds. MSS.*, ii. 6; *Jour. Ho. Lds.*, xv. 611.

¹⁸ *Ho. of Lds. MSS.*, ii. 6.

¹⁹ *Jour. Ho. Com.*, xi. 361 to 363; *Jour. Ho. Lds.*, xv. 613.

However on the 16th the Lords were notified that the Commons agreed to the Address. On the 17th, between three and four o'clock in the afternoon, the Lords and Commons went in a body to present it to the King at Kensington.²⁰

Their Address represented that by the Act Scotland would be made a free port for East Indian commodities, and would take England's place in supplying Europe. London trade and English revenue would both be undermined by the smuggling in of cheap goods across the border. Trade in American commodities also would be lost. It was pointed out that the naval power of England had been promised to support the Company and make reprisals. They feared this might lead even to the destruction of English commerce.

The King's reply was dignified and satisfactory: 'I have been ill-served in Scotland, but I hope some remedies may be found to prevent the inconveniences which may arise from this Act.'²¹ It was undoubtedly true that the King had known nothing of the Act until some time after it had been touched with the sceptre by his Commissioner and had become law. As only two weeks had elapsed between the time when the Act was first presented to the Scots Parliament and the date when it became law, there was small chance that the King, then on the Continent conducting the war against the French, could have heard of it. He had particularly instructed his Commissioner, when directing him to promote trade, to forward any act that might be passed for this purpose, before giving it the royal assent.²²

This had not been done in the case of the Company's Act. No wonder the King felt that he had been 'ill-served.' The reply, however, was sufficiently oracular to be taken in more than one way. The Lords believed that traitorous English gold had been used to secure the passage of the Act. So the Scots were willing enough to believe that William thought so too, and referred to bribery when he said 'ill-served.'²³

Soon after his attention had been called to the Act, the King turned out both of his Secretaries of State for Scotland.²⁴ They

²⁰ *Jour. Ho. Lds.*, xv. 615; *Jour. Ho. Com.*, xi. 364, 365; Narcissus Luttrell, *Brief Historical Relation*, iii. 562.

²¹ *Jour. Ho. Lds.*, xv. 615.

²² *Acts Parl. Scot.*, IX. App. p. 126, Note.

²³ *An Enquiry into the Causes of the Miscarriage of the Scots Colony at Darien*. Glasgow, 1700, pp. 14-15.

²⁴ Narcissus Luttrell, *Brief Historical Relation*, iii. 567; iv. 1, 5, 12, 17; Burnett, *History of His Own Times*, ii. 162.

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were sacrificed to English jealousy. The King's Lord High Commissioner, the Marquis of Tweeddale, who had touched the Act with the sceptre, thus giving it the King's approval and the force of law, was also turned out.²⁵ The effect of this policy was to stir up the Jacobites to renewed activity. They were given an opportunity to embarrass King William, which they were not slow to make use of. It was to be their aim from now on to secure the success of this Company, which was sure to be a thorn in the side of their unloved monarch.

But to return to the Parliamentary investigation; for the Lords did not stop with the address, but continued their hearings. The West India merchants presented a paper in which they stated that they did not believe the Scots Act would affect them at present. As remedies they suggested freedom of trade, or that if the Scots did make any settlement in the West Indies, the English duties be entirely repaid upon export. The Leeward Island merchants offered as their opinion, in addition to suggestions already proposed, that by encouraging the trade to India greater quantities of goods would be imported, which would so reduce prices as to discourage the Scots from seeking that trade.²⁶ Apparently they had no idea that the Scots would one day be sending an expedition to their part of the world. In fact their influence was entirely lent to the cause of the London East India merchants, who were doubtless responsible for having their memorial printed with a few slight alterations, under the title: 'Some Remedies to Prevent the Mischiefs from the late Act of Parliament made in Scotland, in relation to the East-India trade.' (London? 1695.)²⁷

The Levant Company's memorial contained no new suggestions, but reinforced the others in proposing the prohibition of English subjects joining with the Scots and the encouragement of English trade in those parts of the world to which the Act had particular relation, *i.e.* Africa and the Indies, East and West.²⁸

On the 20th of December the House of Lords took up the while matter *in extenso*. After reading all the various memorials, definite proposals were considered looking toward the following objects: the prohibition of Englishmen joining the Scots; the establishment of the East India Company by act of Parliament;

²⁵ *MS. State Papers Scotland*, W. B., xvi. 280, 281.

²⁶ *Ho. of Lds. MSS.*, ii. 20.

²⁷ The only known copy is in the British Museum.

²⁸ *Ho. of Lds. MSS.*, ii. 21.

the special taxation of Scots ships entering English ports; and the enforcement of the navigation acts in the American plantations.²⁹ It was decided to proceed with a first draft of bills for carrying out these propositions, but interest in them flagged and none of them were passed.³⁰ So far as the Lords were concerned, the nine days' wonder was over, and their attention was now centred on quite another subject, the state of the coin. The hope of the East India Company that the interest aroused by the Scots Act might redound to their peculiar advantage was not destined to be fulfilled; although it was ordered together with other merchants to offer the Lords suggestions for an act for a chartered company. They replied by pointing out that the late act passed in Scotland left nothing to be desired as a model; they could not suggest a better precedent.³¹ Both Lords and Commons seemed to favour establishing the East India Company by Act of Parliament as a means of defeating the efforts of the Scots. But towards the end of the session the matter was deferred for a year, because the Government feared that the increased opportunity for investment which would arise from the establishment of such a large stock company as was proposed would interfere with the Treasury's plans for raising money to carry on the war with France.³²

The investigation, however, was not without certain definite results. One was to instigate the Commissioners of Customs to send the governors of all the plantations in America a circular letter regarding the enforcement of the navigation acts with especial reference to the Scots Company. This letter, after calling attention to the passing of the Act, its tendency to discourage the trade and navigation of England, its consideration by the Lords, and the address to the King, declared that if the Scots settled in America English commerce there would be utterly lost. With the letter were sent copies of the Act, the Address and the Answer to it as the best means of inciting them to execute vigorously the laws of England for the security of the plantation trade. Further, the Governors were requested to see that the customs officers performed their duties and gave strict account of every ship trading within their districts, guarding particularly against allowing any to pass to or from Scotland. Finally they

²⁹ *Ho. of Lds. MSS.*, ii. 6.

³⁰ *Jour. Ho. Lds.*, xv. 618 to 619.

³¹ *Jour. Ho. Lds.*, xv. 639; *Ho. of Lds. MSS.*, ii. 30.

³² Bruce, *Annals of the East India Company*, iii. 201, 202.

were reminded of the penalties which followed breaking the navigation acts.³³

Another result was that the Commissioners of Customs were ordered by the Lords to render an account of the exports and imports for the past three years, a larger undertaking than the Commissioners cared to assume, for they estimated that such a report could not be performed in less than a year and a half, even with a dozen extra clerks working constantly on it.

An indirect result of the investigation was a general overhauling of the Admiralty, who were asked to show why so many difficulties had been put in the way of English commerce.³⁴ In fact, the excitement and interest aroused in high quarters by the Act was used by the English merchants in every possible way for their advantage.

The attention of the Commons had been called to the subject when the Address was sent for their concurrence on the 17th of December. They had then appointed a committee to examine into the methods taken for obtaining the Act, and to discover particularly whether corruption had been practised in promoting it.³⁵ Their interest waned and the matter dropped for a time, although the committee carried on its investigations. The chief interest of the Commons was in the state of the coin and the clipped money. Minor annoyances also engrossed their attention.³⁶ They even took the trouble to order that the constables of Westminster see to it that the passages in or about Westminster Hall be kept free of chairmen and coachmen, who were accustomed to stop and annoy members of the House, and that the postmaster attending the House should not deliver letters to members while the House was sitting. In the meantime the East India Company, fearing that the Commons might forget that the Scots Company still existed, petitioned on the 20th of January, 1696, stating that several ships were being fitted out in the Thames for the East Indies by persons whom they believed to be subscribers to the Scots Company.³⁷ At all events application had been made to the directors of the Company, who were then in London, for permission to trade in the East Indies under

³³ Jan. 9, 1696; *Ho. of Lds. MSS.*, ii. 23 and 481-3.

³⁴ *Jour. Ho. Lds.*, xv. 613.

³⁵ *Jour. Ho. Com.*, x. 365.

³⁶ *Ibid.*, xi. 367.

³⁷ *Jour. Ho. Com.*, xi. 398; Richard Edge to Roger Kenyon, *Hist. MSS. Com.*, XIV. iv. 396.

the privileges of the Act.³⁸ Accordingly the Commons ordered the aforementioned committee to make its report, which it did on the following day, presenting with it copies of the oath *de fidei* and the journal of the proceedings of the London directors.³⁹

During their sittings the committee had examined Roderick Mackenzie, who, as might be expected, gave them little satisfactory information. He had heard, to be sure, that the fees for passing the Act amounted to £150, but he knew nothing positive about it as he was only the secretary, and had little to do with the finances of the Company. The report also includes an examination of Paterson, who gave much the same testimony as at the bar of the House of Lords. Other directors had been examined, who made the best excuses they could. None, of course, knew anything about the passage of the Act, nor how it had been secured. One confessed that he was a member of the English East India Company, and accordingly had been opposed to sending out an interloper. Another admitted that his subscription had been obtained by a practice familiar to promoters. He had been told, in short, that if he did not subscribe at once there were others who would get the advantage which he was offered first.⁴⁰ Upon hearing the committee's report, the oath, and the transactions of the Company, the Commons became quite excited and resolved that the directors had committed a high crime and misdemeanour in taking the oath *de fidei* and in raising money in England. It was resolved to impeach them, and a committee was appointed to prepare articles of impeachment.

This committee, however, had difficulty in getting evidence. Roderick Mackenzie refused to testify, and, on the request of the committee, was ordered by the House to be taken into the custody of the Sergeant-at-Arms. But he successfully eluded the search officers. Accordingly, on the 8th of February, the House moved to ask the King for a proclamation for apprehending the unfortunate secretary.⁴¹ This was issued on the 13th, but he could not be found.⁴² He was in hiding in London hoping to be called to Edinburgh. His absence put the committee at

³⁸ MS. East India Co. Court Book No. 37, Folio 46A, and MS. East India Co. Letters Out, p. 78.

³⁹ *Jour. Ho. Com.*, xi. 400. ⁴⁰ *Ibid.*, xi. 400-407. ⁴¹ *Jour. Ho. Com.*, xi. 436.

⁴² The only known copy of this proclamation was sold at auction in London last year for one guinea.

a great disadvantage, for he was almost the only person who might be made to give the evidence they desired.

By this time, however, it was felt that the Scots Company had been effectually demolished and that further Parliamentary action would only add unnecessarily to the growing irritation in Scotland over the insults that had been offered her Parliament and her citizens. It will be remembered that the House of Lords had believed and tried to prove that the passage of the Act had been obtained by bribery, and, furthermore, had summoned to its bar the delegates from Edinburgh, who included the popular Lord Belhaven. This action and the King's dismissal of his secretaries, who were well liked in Scotland, greatly irritated the country.⁴³ The attention of England was diverted to another subject: the discovery of the plot against the King's life.⁴⁴ Altogether it was deemed best to let the matter drop. So the committee never reported, and no articles of impeachment were ever presented.

Further action was in fact unnecessary.⁴⁵ Parliament had succeeded in frightening the Company out of England; the English subscribers were only too glad to withdraw their subscriptions; it was doubted whether the Scots could do much by themselves, although nothing could be done to prevent their trying.

The history of the Company would have been far different had Parliament allowed it to have the benefit of English capital and experience. It was the intention of Paterson and the promoters to create an essentially British concern. Both the stock and the directorate were to be equally divided between England and Scotland. But the action of the English Parliament resulted in making the enterprise thoroughly Scottish. The Scots, insulted and thrown on their own resources, were incited to hurl themselves headlong into an undertaking far greater than was warranted by the extent of their capital or the experience of their merchants. Although it is doubtful whether the Scots would have been willing to allow the headquarters of the Company to remain long in London, the English subscribers would undoubtedly have made strenuous and probably successful efforts to prevent the Company from embarking on such a foolish enterprise as the Darien

⁴³ *An Enquiry into the Causes of the Miscarriage of the Scots Colony at Darien*, p. 3; Narcissus Luttrell, *Brief Historical Relation*, iii. 535.

⁴⁴ Narcissus Luttrell, *Brief Historical Relation*, iv. 21.

⁴⁵ Richard Edge to Roger Kenyon, *Hist. MSS. Com.*, XIV. iv. 366.

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Scheme. The Company would have carried on trade with Africa and the Indies, and had a comparatively uneventful career. But the English Parliament had now endowed it with the enthusiastic backing of the whole Scottish nation.⁴⁶ Its support became a matter of national honour, and its history was destined to be tragic rather than commonplace.⁴⁷

HIRAM BINGHAM.

⁴⁶ 'Twas the notice the parliament of England first took of it made the wholl nation throng in to have some share, and I'm of opinion the resentments people are acted by, are the greatest supplys that furnishes life to that affaire.'—Adam Cockburn, Lord Justice Clerk, to Lord Tullibardine, 18 Dec., 1697, *Hist. MSS. Commission*, XII. vii. 58.

⁴⁷ J. Hill Burton, *History of Scotland*, 1897, viii. 19-28.

The Pentland Rising and the Battle of Rullion Green

THE following letter—extracted from the collection of the Carte MSS. in the Bodleian library—must of course be read in connection with Mr. Sandford Terry's detailed study of the Pentland Rising and the battle of Rullion Green, and is published as a supplement, not a criticism, of that work. The first result of a close comparison of the two is an acknowledgment of the historical insight that has produced out of complex (and sometimes conflicting) evidence a narrative which a document so important as the official despatch of the King's Major-General does, substantially, nothing but confirm.

The main facts of General Drummond's career are already known: that he was a cadet of the Madertie branch of the family—that he supported the Royalist cause both in England, where he was imprisoned after Worcester, and in Scotland, where he was an emissary from Charles II. to the uneasy forces under Glencairn. Mews, the Royalist agent and reporter, says that without him the adventure would have come to an even speedier end than it found at Lochgarry in 1654—he being 'not only a good soldier, but a sober rationall man,' in which case, as Mews said, he would have been an 'extraordinary losse' to that company. He had some personal intercourse with Cromwell, and Charles, at all events in exile, was his 'affectionate friend.' After the failure of the rising he found employment with Dalziel in the foreign levies of the Czar Michaelovitch, and returned with that officer to Scotland in 1665, bringing with him several of the distinctions—and, Bishop Burnet thought, too many of the methods—of Russian military service. He was appointed Major-General of the new Scotch forces, and one of his earliest duties was to take the field with Dalziel's van for the reduction of the rebellious Covenanters in the south-west.

Mr. Terry's survey of the march is based on abundant evidence—from Wallace, who commanded the insurgents, from

Veitch, who served in their ranks, from James Turner, who was throughout a prisoner in their hands. Drummond himself was aware that the enemy had the better of him in the matter of scouting intelligence—and his own was notably accurate. His report only confirms Turner's praise of the marching quality of Wallace's foot, since it appears that he was all through even further behind than was believed. He was at Strathaven not, as Wallace asserts, on the night of the 24th of November, but of the 25th, to which date a despatch from the Scotch Privy Council to the Commissioner Rothes (*Lauderdale Papers*, i. 246) bears independent witness. His foot crossed Lanark ford on the night, not the morning, of the 26th, and on the following morning, when Blackwood reported him to Wallace as 'not nearer than Calder, if there,' he was in fact marching out of his Lanark quarters. 'Calder Torphicens hous,' where Charles Maitland told his brother Lauderdale they rested the night of the 27th, becomes in Drummond's letter 'tarfichens hather,' and Bathgate has a somewhat similar (but obscure) suffix.

As to the battle Mr. Terry appears to have steered a middle course among the various accounts of witnesses with differing sympathies, capabilities, and points of vision, and between his version and Drummond's,—which yielded perhaps to official restraints—there is no serious discrepancy. The general outline seems to be that after the repulse of Drummond's fore party there were three separate attacks by Dalziel's right wing—the two first unfavourable to him—the third so successful that he seized the occasion to engage his left—and by a simultaneous advance of his whole line beat in the enemy's horse upon their foot and routed them, the darkness alone staying his pursuit. The accounts of the two leaders, Wallace and Drummond, agree well together, down to details such as the hand-to-hand fight with swords in the first main attack, and the incautious advance of Wallace's right wing of horse after the third. Maitland of Halton, though apt to be impulsive in his figures, agrees in outlines. Where he differs we may take it that the general was right. Halton was an officer and a gentleman, and wrote (and spelt) as such. Drummond was an old campaigner and a man of letters—(his funeral sermon compares him favourably with Agricola, Cato, Epaminondas, and Julius Caesar Scaliger)—and his despatch is both business-like and picturesque. In one point he corrects the accepted version. Dalziel's loss was evidently less trivial than was supposed—a fact which might have consoled the

Covenanters in the hardships of their flight. It is noticeable that the very phrase about 'cashiered preachers' to which Wodrow takes exception in the accounts of various English historians occurs at the end of this letter, which may have been the official source of the error—pleasantly termed a 'plain falsehood' by Wodrow.

M. SIDGWICK.

Carte MSS. lxxii. f. iii.

Letter from Major-General William Drummond to Lord Rothes.

Pentland Novemb^r 29th 1666

May it please yo^r Gr^{ce}

I beg you be not offended for my soe long silence, for I had noe resolucon to write that w^{ch} would only have vexed you, nor could I untill this time free you from the anxiety that I am sure troubled yo^r heart, & that yo^r Gr^{ce} might know pfectly all Our proceedings, I shall begin at Our March & give you a short acc^t of all passages untill this day; Upon Sunday the 18th Inst. Our march began from all Our severall Quarters & upon tuesday the 20th wee met att Glasco, wee spent Wednesday in preparacons for what wee wanted, whereof Bandeliers was a cheif defect; and in consultacons with My Lord Glasco & y^e other Noblemen who Comanded, thursday the 22th the horse watched killmarnock & the foot upon friday at Much adoe, there wee understood that the rebells were convened at Machlin with all their force & a resolucon to fight us, they had been in Air & taken about 200 Armes of all sorts out of the tolbooth, w^{ch} had been formerly gathered out of y^e Countrey when it was disarmed, all the Gentlemens houses they searched for horses & armes And (I beleive) found diverse ready to their hands, w^{ch} must bee judged as taken by force. Saturday the 24th wee came to Machlin, the rebells were gone to Comnock & from thence to the Moor kirk of kyll & to Douglas, wee judged & not amisse that they designed for Oltsdale (Clydesdale ?) Hanylton & Glasco & there upon Sunday took a neerer way to stop that course & marched through Evendal to Streven (Strathaven), where wee had notice that they were at Lathmahago (Lesmahagow) but 4 miles from us, that Sunday they knowing of us as they used to have quick Intelligence of Our motions in a Countrey of their owne freinds disaffected to us, they passed the river Glyde to Lenricke (Lanark), their foot in 2 boates w^{ch} Immediately they sunk, & forded with their horses not wthout danger, the river being great. Upon Monday the 26th Our fore partie had a view of y^m on the rivers syde over agst us, as if they meant to forbid Our passage, but when Our body of horse began to appeare, they marched of & kept a lusty rearguard with more order then could have been hoped from them, wee past the ford instantly deep & strong, w^{ch} made us very doubtfull whither it was wadable by the foot & followed them 4 miles on their reare, but in regard of the distance from Our foot & approach of y^e night, could not with any reason engage with them, wee gott over the foot that night with much danger but not one lost, tuesday wee followed the rebells track for 8 miles through a black mosse & marking their way to make for huhghgour (?), wee were affrayed of Edinburgh & bent Our course to tarfichens hather (?), the rebells had marched on Monday from Lenrick to Bathkt Huhthgour (Bathgate — ?) & were at Collintone

2 Myles from Edinburgh, on Tuesday the 27th by midday to Our admiration whatever their designe or invitacon was for soe desperate a March they found their plot p'vented, wee judged rightly they would gett of to Bigger, & betook us to fall in their way, going over the Pentland Hills at Currie, Our fore party of about 100 horse discovered them on their march towards Linton the bigger way near a place called Glencors kirk & with great boldnes sett upon them, & endured the danger to face all their strength, horse & foot, untill Our Cavalry farre behind came up & that spent near 2 houres, Soe had God blinded these fooles to neglect their advantage, Our party being in a ground whence they could not come of, Some sharpe charges past in this time, w^{ch} the rebells gave & received with desperate resolucon to Our prejudice, at last Our horse comes on & gave breathing to that weary party, but Our foot was yet 4 miles from us, wee found it convenient to draw from that ground very advantageous for their foot, w^{ch} they after much consideracon began to imploy agst us, but wee prevented them & gott of a little to a better ground where they made a fashion to annoy us without any gaine, soe soon as Our foot came up wee put Ourselves in order & embattled in a faire plaine upon their Noses, they upon the hill above did the like but gave us noe disturbance thô well they might, by this time the sun was sett, wee must make haste and advanced a partie of horse & foot from Our right hand to assault their left wing of horse w^{ch} instantly came downe & met them, & there the work began, wee fought obstinately a long time wth swords untill they mixed like chessmen in a bag, wee advanced Our right wing & they their left to give reliefe, there againe it was disputed toughly, then came a strong partie of foot from their body & forced our right wing back to the foot in some disorder, but this was instantly rectified, their right wing of horse came from their ground foolishly & crosses their foot, apprehending their left wing to bee in distresse, wherein they were mistaken & soe gave our left wing their Slack, w^{ch} opportunity wee had hold on & there went their Cavalrie in disorder, Our whole body then advanced & beat in their horse upon their foot, then confusion & flight followed, wee pursued in the dark, killed all the foot & but for the night & steep hills had wholly destroyed them, Some prisoners there are fitt for examples, I know not how many but I conjecture not above 140, for there was sound payment, Our losse I cannot tell, but it is greater then many of their Skins were worth, their number was about 15 or 1600, & would without doubt have encreased, if God had not confounded their Imaginacons & rebellious dispositions, upon Monday the rebells swore the Covenant at Lenrick & all to die in defence of it, most of these who led their troupes were cashiered preachers, now I trust yo^r Gr^{ce} is at ease. I am

Yo^r Gr^{ces}

Most obedient & most humble Serv^t
W. DRUMOND.

Endorsed. Leter from Major Gen^l Drumond to the E. of Rothess of the defeat of the Rebells in Scotland. 29 Nov. 66. Rec. 4th Dec. 1666 in a letter from the L^d Arlington.

The 'Scalacronica' of Sir Thomas Gray

The Reign of Edward II., as recorded in 1356 by Sir Thomas Gray in the 'Scalacronica,' and now translated by the Right Hon. Sir Herbert Maxwell, Bart.

AFTER the death of Edward the First after the Conquest, his son, Edward the Second, reigned in great tribulation and adversity. He was not industrious, neither was he beloved by the great men of his realm; albeit he was liberal in giving, and amiable far beyond measure towards those whom he loved and exceedingly sociable with his intimates. Also, in person he was one of the most powerful men in his realm. He took to wife Isabel, daughter of Philip le Beau, King of France, whom he married at Amiens and brought to England, where they were ^{ms.} crowned in London with great solemnity. Then the king and his said wife Isabel passed again into France, to Paris, to treat of his affairs in Gascony, when the said King Edward entertained the said King of France at Saint-Germain-en-Prés, which feast was greatly spoken of at the time. fo. 206

At which time it was reported to the said King Philip of France that the wives of his sons had misbehaved. He had three sons—Philip, Louis, and Charles—by his wife the daughter of the King of Navarre (by whose inheritance he was King of Navarre), the mother of which wife was married to Edmund, brother of Edward the First of England, after the Conquest, by whom he begot Thomas and Henry, afterwards Earls of Lancaster. He [King Philip] also had one daughter, this same Isabel, Queen of England. He was informed, then, that the said ladies [his daughters-in-law] had committed adultery *par amours* with knights of his Court, which thing weighed heavily upon his heart. Wherefore, after the departure of the said King of England, the said King of France enquired of Philip Dawnay, an old knight of his Council, what should be done to those who

had intrigued with the wives of the king's sons and princes of the blood royal of France.

'Sire,' replied the worthy gentleman,¹ 'they deserve to be flayed alive.'

'Thou hast pronounced judgment,' said the king to him; 'they are your own two sons, who shall suffer the punishment according to your judgment.'²

One of them was condemned immediately; the other escaped to England, but was taken at York and sent back to the said King of France, for which the King of England received much blame from murmurs of the Commons, seeing that the said knight had come for succour to his realm. The said knight was flayed alive; two of the ladies were put to a shameful death; the third was enclosed in a high wall without meat or drink, where she died.

It was generally reported among the common people that this scandal was communicated to the King of France by his daughter Isabel, Queen of England, although this was supposed by many people to be an untruth. It was judged and declared by the Commons that, because of this cruelty, neither the father [King Philip] nor the sons should live long. The father died shortly after.³ His three sons aforesaid became Kings of France, one after the other, for a short time. The eldest of them,⁴ who was King of Navarre during his father's life, had no offspring⁵ but one daughter,⁶ who afterwards married the Count of Evreux, and became King of Navarre in right of his said wife. The second brother⁷ had by his wife, daughter of the Count of Artois, three daughters, who afterwards shared the succession to Artois. The Duke of Burgundy married one, the Count of Flanders another, and the Lord of Faucony took the third as his mistress. Charles, the third brother,⁸ and last to become King, died without offspring, whereupon the succession to France should by right have devolved upon Edward [III.] of England,

¹ *Le prudhom.*

² *Com iuge auez.* Omitted in *Maitland Club Ed.*

³ 29th Nov., 1314.

⁴ Louis X., *le Hutin*, d. 5th June, 1316.

⁵ He had a posthumous son who died an infant.

⁶ Succeeded as Joanna II., Queen of Navarre, on the death of her brother-in-law, Charles IV.

⁷ Philip V. d. 3rd Jan., 1322.

⁸ Charles IV., *le Beau*, d. 13th Jan., 1328, last of the Capets. At his death the crowns of France and Navarre were again separated.

son of Isabel, sister of the said three brothers and kings, as the nearest heir male,¹ for at [the time of] the decease of the said Charles, their uncle, the last king of the three brothers, the daughters of the two aforesaid brothers and kings had no male issue, wherefore the said Edward, son of Isabel of England, was the nearest heir male. Nevertheless, as will be recorded hereafter, for want of good advice, and because he was young and entangled with other matters, he lodged no challenge whatever upon the death of his uncle Charles, so that another collateral,² the son of the uncle of the aforesaid Charles,³ was crowned King by means of his supporters, especially of Robert of Artois (to whom he was afterwards the greatest enemy), because no other challenged the right at the proper time, nor until a considerable time after, as will be recorded hereafter; which [thing] is correct, and ought to be a notable thing and remembered everywhere.

At this time Thomas de Gray⁴ was warden of the castle of Cupar and Fife,⁵ and as he was travelling out of England from the King's coronation to the said castle, Walter de Bickerton, a knight of Scotland, who was an adherent of Robert de Brus, having espied the return of the said Thomas, placed himself in ambush with more than four hundred men by the way the said Thomas intended to pass, whereof the said Thomas was warned when scarcely half a league from the ambush. He had not more than six-and-twenty men-at-arms with him, and perceived that he could not avoid an encounter. So, with the approval of his people, he took the road straight towards the ambush, having given his grooms a standard and ordered them to follow behind at not too short interval.

The enemy mounted their horses and formed for action, thinking that they [the English] could not escape from them. The said Thomas, with his people, who were very well mounted, struck spurs to his horse, and charged the enemy right in the centre of their column, bearing many to the ground in his course by the shock of his horse and lance. Then, turning rein, came

¹ *Al plus prochain heire masle.* He means the nearest male in blood, for Edward III., as Isabel's son, was not technically heir male.

² The insertion here of a full stop instead of a comma in the *Maitland Club Ed.* makes nonsense of this long sentence.

³ Philip V. de Valois, eldest son of Charles, Count of Valois, brother of Philip IV.

⁴ Father of the chronicler.

⁵ *Gardein du chastel de Coupir et de Fif.*

back in the same manner and charged again, and once again returned through the thick of the troop, which so encouraged his people that they all followed him in like manner, whereby they overthrew so many of the enemy, their horses stampeding along the road. When they [the enemy] rose from the ground, they perceived the grooms of the said Thomas coming up in good order, and began to fly to a dry peat moss which was near, wherefore almost all [the others] began to fly to the moss, leaving their horses for their few assailants. The said Thomas and his men could not get near them on horseback, wherefore he caused their horses to be driven before them along the road to the said castle, where at night they had a booty of nine score saddled horses.

Another time, on a market day, the town being full of people from the neighbourhood, Alexander Frisel, who was an adherent¹ of Robert de Brus, was ambushed with a hundred men-at-arms about half a league from the said castle, having sent others of his people to rifle a hamlet on the other side of the castle. The said Thomas, hearing the uproar, mounted a fine charger before his people could get ready, and went to see what was ado. The enemy spurred out from their ambush before the gates of the said castle, so doing because they well knew that he (Sir Thomas) had gone forth. The said Thomas, perceiving this, returned at a foot's pace through the town of Cupar, at the end whereof stood the castle, where he had to enter on horseback, [and] where they had occupied the whole street. When he came near them he struck spurs into his horse; of those who advanced against him, he struck down some with his spear, others with the shock of his horse, and, passing through them all, dismounted at the gate, drove his horse in, and slipped inside the barrier, where he found his people assembled.

This King Edward the Second after the Conquest bestowed great affection during his father's life upon Piers de Gaveston, a young man of good Gascon family; whereat his father became so much concerned² lest he [Piers] should lead his son astray, that he caused him [Piers] to be exiled from the realm, and even made his son and his nephew,³ Thomas of Lancaster, and other magnates swear that the exile of the said Piers should be for ever irrevocable. But soon after

¹ *Qenherdaunt estoit*, misprinted *genderdaunt* in *Maitland Club Ed.*

² *Prist malencoly.*

³ He was not the King's nephew, but a distant cousin, son of Edmund 'Crouchback,' Earl of Lancaster.

the death of the father, the son caused the said Piers to be recalled suddenly, and made him take to wife his sister's daughter, one of Gloucester's daughters, and made him Earl of Cornwall. Piers became very magnificent, liberal, and well-bred in manner, but somewhat¹ haughty and supercilious, whereat some of the great men of the realm took deep offence. They planned his destruction while he was serving the King in the Scottish war. He had caused the town of Dundee to be fortified, and had behaved himself more rudely there than was agreeable to the gentlemen of the country, so that he had to return to the King because of the opposition of the barons.² On his way back they surprised and took him at Scarborough, but he was delivered to Aymer de Valence upon condition that he was to be taken before the King, from whose [Aymer's] people he was retaken near Oxford, and brought before the Earl of Lancaster, who had him beheaded close to Warwick,³ whereat arose the King's mortal hate, which endured for ever between them.

ms.
fo. 207^b

Adam Banaster, a knight bachelor of the county of Lancaster, led a revolt against the said earl by instigation of the King; but he could not sustain it, and was taken and beheaded by order of the said earl, who had made long marches in following his [Banaster's] people.

During the dispute between the King and the said earl, Robert de Bruce, who had already risen during the life of the King's father, renewed his strength in Scotland, claiming authority over the realm of Scotland, and subdued many of the lands in Scotland which were before subdued by and in submission to the King of England; and [this was] chiefly the result of bad government by the King's officials, who administered them [the lands] too harshly in their private interests.

The castles of Roxburgh⁴ and Edinburgh⁵ were captured and dismantled, which castles were in the custody of foreigners, Roxburgh [being] in charge of Guillemying Fenygges,⁶ a knight of Burgundy, from whom James de Douglas captured the said castle upon the night of Shrove Tuesday,⁷ the said

¹ *En party.*

² *Pur debate des barouns*, or 'because of the displeasure of the barons.'

³ A.D. 1312.

⁴ 6th March, 1314.

⁵ Lent, 1314.

⁶ Sir William de Fiennes.

⁷ *La nuyt de quarrem pernaunt.*

William being slain by an arrow as he was defending the great tower. Peres Lebaud, a Gascon knight, was Sheriff of Edinburgh, from whom the people of Thomas Randolph, Earl of Moray, who had besieged the said castle, took it at the highest part of the rock, where he suspected no danger. The said Peter became Scots in the service of Robert de Brus, who afterwards accused him of treason, and caused him to be hanged and drawn. It was said that he suspected him [Peres] because he was too outspoken, believing him nevertheless to be English at heart, doing his best not to give him [Bruce] offence.

The said King Edward planned an expedition to these parts, where, in [attempting] the relief of the castle of Stirling, he was defeated, and a great number of his people were slain, [including] the Earl of Gloucester and other right noble persons; and the Earl of Hereford was taken at Bothwell, whither he had beaten retreat, where he was betrayed by the governor. He was released [in exchange] for the wife of Robert de Brus and the Bishop of St. Andrews.¹

As to the manner in which this discomfiture befel, the chronicles explain that after the Earl of Atholl had captured the town of St. John² for the use of Robert de Brus from William Oliphant, captain [thereof] for the King of England, being at that time an adherent of his [Edward's], although shortly after he deserted him, the said Robert marched in force before the castle of Stirling, where Philip de Moubray, knight, having command of the said castle for the King of England, made terms with the said Robert de Brus to surrender the said castle, which he had besieged, unless he [de Moubray] should be relieved: that is, unless the English army came within three leagues of the said castle within eight days of Saint John's day in the summer next to come, he would surrender the said castle.³ The said King of England came thither for that reason, where the said constable Philip met him at three leagues from the castle, on Sunday the vigil of Saint John, and told him that there was no occasion for him

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¹ William de Lamberton, from whom Bruce received more advice and encouragement than from almost any other at the outset of his enterprise.

² Perth.

³ It was not with King Robert, but with his brother Edward, that this agreement was made; much to Robert's displeasure, whose main strategy it was to avoid a pitched battle.

to approach any nearer, for he considered himself as relieved. Then he told him how the enemy had blocked the narrow roads in the forest.¹

[But] the young troops would by no means stop, but held their way. The advanced guard, whereof the Earl of Gloucester had command, entered the road² within the Park, where they were immediately received roughly by the Scots who had occupied the passage. Here Peris de Mountforth, knight, was slain with an axe by the hand of Robert de Brus, as was reported.³

While the said advanced guard were following this road, Robert Lord de Clifford and Henry de Beaumont, with three hundred men-at-arms, made a circuit upon the other side⁴ of the wood towards the castle, keeping the open ground. Thomas Randolph, Earl of Moray, Robert de Brus's nephew, who was leader of the Scottish advanced guard,⁵ hearing that his uncle had repulsed the advanced guard of the English on the other side of the wood, thought that he must have his share, and issuing from the wood with his division marched across the open ground towards the two afore-named lords.

Sir Henry de Beaumont called to his men: 'Let us retire a little; let them come on; give them room!'⁶

'Sir,' said Sir Thomas Gray,⁷ 'I doubt that whatever you give them now, they will have all too soon.'

'Very well!' exclaimed the said Henry, 'if you are afraid, be off!'

'Sir,' answered the said Thomas, 'it is not from fear that I shall fly this day.' So saying he spurred in between him [Beaumont] and Sir William Deyncourt, and charged into the thick of the enemy. William was killed, Thomas was taken

¹ The Torwood.

² The Roman Road, running through the Park which Alexander III. had enclosed for the chase.

³ It was Sir Henry de Bohun, nephew of the Earl of Hereford, who fell in single combat with the King of Scots.

⁴ The east side next the Carse.

⁵ He commanded the central of the three divisions which formed Bruce's front.

⁶ Randolph's division being entirely on foot, of course the English squadron could have pushed on to establish communication with Stirling Castle, for which purpose they had been detached. It was characteristic of the chivalrous ceremony of the day that Beaumont should have insisted on awaiting attack from the Scots.

⁷ Father of the chronicler.

prisoner, his horse being killed on the pikes, and he himself carried off with them [the Scots] on foot when they marched off, having utterly routed the squadron of the said two lords. Some of whom [the English] fled to the castle, others to the king's army, which having already left the road through the wood had debouched upon a plain near the water of Forth beyond Bannockburn, an evil, deep, wet marsh, where the said English army unharnessed and remained all night, having sadly lost confidence and being too much disaffected by the events of the day.

MS.
fo. 208^b The Scots in the wood thought they had done well enough for the day, and were on the point of decamping in order to march during the night into the Lennox, a stronger country, when Sir Alexander de Seton, who was in the service of England and had come thither with the King, secretly left the English army, went to Robert de Brus in the wood, and said to him: 'Sir, this is the time if ever you intend to undertake to reconquer Scotland. The English have lost heart and are discouraged, and expect nothing but a sudden, open attack.'¹

Then he described their condition, and pledged his head, on pain of being hanged and drawn, that if he [Bruce] would attack them on the morrow he would defeat them easily without [much] loss. At whose [Seton's] instigation they [the Scots] resolved to fight, and at sunrise on the morrow marched out of the wood in three divisions of infantry. They directed their course boldly upon the English army, which had been under arms all night, with their horses bitted. They [the English] mounted in great alarm, for they were not accustomed to dismount to fight on foot; whereas the Scots had taken a lesson from the Flemings, who before that had at Courtrai defeated on foot the power of France. The aforesaid Scots came in line of 'schiltroms,'² and attacked the English columns, which were jammed together and could not operate against

¹This incident is important, and does not appear in other chronicles of Bannockburn. Sir Thomas Gray, father of the writer, was at the time a prisoner in the Scottish camp, and probably communicated the information direct to his son. It is true that Sir Alexander de Seton transferred his allegiance from Edward II. to King Robert about this time. In March, 1322-3, he proceeded with Sir William de Mountfichet on a mission to the English Court from King Robert.

²The 'schiltrom' or *shield troop* was the favourite formation of the Scottish infantry. It was a dense column, oval in form, resembling in effect a modern square.

them [the Scots], so direfully were their horses impaled on the pikes.¹ The troops in the English rear fell back upon the ditch of Bannockburn, tumbling one over the other.

The English squadrons being thrown into confusion by the thrust of pikes upon the horses, began to fly. Those who were appointed to [attend upon] the King's rein, perceiving the disaster, led the King by the rein off the field towards the castle, and off he went, though much against the grain.² As the Scottish knights, who were on foot, laid hold of the housing of the King's charger in order to stop him, he struck out so vigorously behind him with a mace that there was none whom he touched that he did not fell to the ground.

As those who had the King's rein were thus drawing him always forward, one of them, Giles de Argentin, a famous knight who had lately come over sea from the wars of the Emperor Henry of Luxembourg, said to the king:

'Sire, your rein was committed to me; you are now in safety; there is your castle where your person may be safe. I am not accustomed to fly, nor am I going to begin now. I commend you to God!'

Then, setting spurs to his horse, he returned into the mellay, where he was slain.

The King's charger, having been piked, could go no further; so he mounted afresh on a courser and was taken round the Torwood, and [so] through the plains of Lothian.³ Those who went with him were saved; all the rest came to grief. The King escaped with great difficulty, travelling thence to Dunbar, where Patrick, Earl of March, received him honourably, and put his castle at his disposal, and even evacuated the place, removing all his people, so that there might be neither doubt nor suspicion that he would do nothing short of his devoir to his lord, for at that time he [Dunbar] was his liegeman. Thence the King went by sea to Berwick and afterwards to the south.

Edward de Brus, brother to Robert, King of Scotland,⁴ desiring to be a king [also], passed out of Scotland into Ireland with a great army in hopes of conquering it.⁵ He remained

¹ The full stop here is omitted in the *Maitland Club Ed.*, making nonsense of the passage.

² *Maugre qil enhust qi enuyte sen departist.*

³ *Lownesse.*

⁴ This is the first occasion on which Gray acknowledges King Robert's title.

⁵ More probably King Robert sent him there to create a diversion favourable to the Scottish war.

there two years and a half, performing there feats of arms, inflicting great destruction both upon provender and in other ways, and conquering much territory, which would form a splendid romance were it all recounted. He proclaimed himself King of the kings of Ireland;¹ [but] he was defeated and slain at Dundalk by the English of that country;² [because] through over confidence he would not wait for reinforcements, which had arrived lately, and were not more than six leagues distant.

At the same time the King of England sent the Earl of Arundel as commander on the March of Scotland, who was repulsed at Lintalee in the forest of Jedworth,³ by James de Douglas, and Thomas de Richmond was slain. The said earl then retreated to the south without doing any more.

On another occasion the said James defeated the garrison of Berwick at Scaithmoor, where a number of Gascons were slain.⁴ Another time there happened a disaster on the marches at Berwick, by treachery of the false traitors of the marches, where was slain Robert de Nevill;⁵ which Robert shortly before had slain Richard fitz Marmaduke, cousin of Robert de Brus, on the old bridge of Durham, because of a quarrel between them [arising] out of jealousy which should be reckoned the greater lord. Therefore, in order to obtain the King's grace and pardon for this offence, Nevill began to serve in the King's war, wherein he died.

At the same period the said James de Douglas, with the assistance of Patrick, Earl of March, captured Berwick from the English,⁶ by means of the treason of one in the town, Peter de Spalding.⁷ The castle held out for eleven weeks after, and at last capitulated to the Scots in default of relief, because it was not provisioned. The constable, Roger de Horsley, lost there an eye by an arrow.

Aymer de Valence, Earl of Pembroke, travelling to the court of Rome, was captured by a Burgundian, John de la Moiller, taken into the empire and ransomed for 20,000 silver livres,

¹ 2nd May, 1316.

² 5th Oct., 1318.

³ In 1317. Not of the House of Brittany, as Hailes follows Barbour in stating, but a Yorkshire knight, owner of Burton-Constable.

⁴ *Ou furount mors toutes playnes de Gascoins*; 'where the Gascons were slain to a man.'

⁵ The 'Peacock of the North.'

⁶ 28th March, 1318.

⁷ Barbour calls him "ane burgess Sym of Spalding."

because the said John declared that he had done the King of England service, and that the King was owing him his pay.

This James de Douglas was now very busy in Northumberland. Robert de Brus caused all the castles of Scotland, except Dunbarton, to be dismantled. This Robert de Brus caused William de Soulis to be arrested, and caused him to be confined in the castle of Dunbarton for punishment in prison, accusing him of having conspired with other great men of Scotland for his [Robert's] undoing, to whom [de Soulis] they were attorned subjects, which the said William confessed by his acknowledgment. David de Brechin, John Logie, and Gilbert Malherbe were hanged and drawn in the town of St. John,¹ and the corpse of Roger de Mowbray was brought on a litter² before the judges in the Parliament of Scone, and condemned. This conspiracy was discovered by Murdach of Menteith, who himself became earl afterwards. He had lived long in England in loyalty to the King,³ and, in order to discover this conspiracy, went to [de Soulis's] house.⁴ He became Earl of Menteith by consent of his niece, daughter of his elder brother, who, after his death at another time, became countess. MS.
fo. 209^b

The King of England undertook scarcely anything against Scotland, and thus lost as much by indolence as his father had conquered; and also a number of fortresses within his marches of England, as well as a great part of Northumberland which revolted against him.⁵

Gilbert de Middleton in the bishoprick of Durham, plundered two Cardinals who came to consecrate the Bishop, and seized Louis de Beaumont, Bishop of Durham, and his brother Henry de Beaumont, because the King had caused his [Gilbert's] cousin Adam de Swinburne to be arrested, because he had spoken too frankly to him about the condition of the Marches.

This Gilbert, with adherence of others upon the Marches, rode upon a foray into Cleveland, and committed other great

¹ Perth.

² *Sur une lettre*, in the original, but evidently the word ought to be *litiere*.

³ Which King? Edward of England or Robert Bruce to whom he revealed the plot. The expression is: *qi longement avoit demore en Engleterre a la foy le roy*.

⁴ This passage is obscure also, *Qi pur decouerer cet couyne sen ala lostel*.

⁵ The omission of a full stop here in the MS. makes nonsense of this paragraph.

destruction, having the assistance of nearly all Northumberland, except the castles of Bamborough, Alnwick, and Norham, of which the two first named were treating with the enemy, the one by means of hostages, the other by collusion,¹ when the said Gilbert was taken through treachery of his own people in the castle of Mitford by William de Felton, Thomas de Heton, and Robert de Horncliff, and was hanged and drawn in London.

On account of all this, the Scots had become so bold that they subdued the Marches of England and cast down the castles of Wark and Harbottle, so that hardly was there an Englishman who dared to withstand them. They had subdued all Northumberland by means of the treachery of the false people of the country. So that scarcely could they [the Scots] find anything to do upon these Marches, except at Norham, where a [certain] knight, Thomas de Gray,² was in garrison MS.
fo. 210 with his kinsfolk. It would be too lengthy a matter to relate [all] the combats and deeds of arms and evils for default of provender, and sieges which happened to him during the eleven years that he remained [there] during such an evil and disastrous period for the English. It would be wearisome to tell the story of the less [important] of his combats in the said castle.³ Indeed it was so that, after the town of Berwick was taken out of the hands of the English, the Scots had got so completely the upper hand and were so insolent that they held the English to be of almost no account, who [the English] concerned themselves no more with the war,⁴ but allowed it to cease.

At which time, at a great feast of lords and ladies in the county of Lincoln, a young page⁵ brought a war helmet, with a gilt crest on the same, to William Marmion, knight, with a letter from his lady-love commanding him to go to the most dangerous place in Great Britain and [there] cause this helmet to be famous. Thereupon it was decided by the knights [present] that he should go to Norham, as the most dangerous [and] adventurous place in the country. The said William betook himself to Norham, where, within four days of his arrival, Sir Alexander de Mowbray, brother of Sir Philip de Mowbray, at that time governor of Berwick, came before the castle of Norham with the most spirited chivalry of the Marches

¹ *Par affinite.*

² Father of the chronicler.

³ *Et ia le meinz aucuns de sez journes en le dit chastel enuoit lestoir deviser.*

⁴ *La guer*, misprinted *quer* in *Maitland Club Ed.*

⁵ *Vn damoiseil faye.*

of Scotland, and drew up before the castle at the hour of noon with more than eight score men-at-arms. The alarm was given in the castle as they were sitting down to dinner. Thomas de Gray, the constable, went with his garrison to his barriers, saw the enemy near drawn up in order of battle, looked behind¹ him, and beheld the said knight, William Marmion, approaching on foot, all glittering with gold and silver, marvellous finely attired, with the helmet on his head. The said Thomas, having been well informed of the reason for his coming [to Norham], cried aloud to him :

'Sir knight, you have come as knight errant to make that helmet famous, and it is more meet that deeds of chivalry be done on horseback than afoot, when that can be managed conveniently. Mount your horse: there are your enemies: set spurs and charge into their midst. May I deny my God if I do not rescue your person, alive or dead, or perish in the attempt!'

The knight mounted a beautiful charger, spurred forward, [and] charged into the midst of the enemy, who struck him down, wounded him in the face, [and] dragged him out of the saddle to the ground.

At this moment, up came the said Thomas with all his garrison, with levelled lances, [which] they drove into the bowels of the horses so that they threw their riders. They repulsed the mounted enemy, raised the fallen knight, remounting him upon his own horse, put the enemy to flight, [of whom] some were left dead in the first encounter, [and] captured fifty valuable horses. The women of the castle [then] brought out horses to their men, who mounted and gave chase, slaying those whom they could overtake. Thomas de Gray caused to be killed in the Yair Ford, a Fleming [named] Cryn, a sea captain,² a pirate, who was a great partisan of Robert de Brus. The others who escaped were pursued to the nunnery of Berwick.

Another time, Adam de Gordon,³ a baron of Scotland,

¹ *Derier ly*, misprinted *derier* in *Maitland Club Ed.*

² *Vn amirail de la mere, vn robbour*. This appears to be the same man as the pirate John Crab, whose engineering skill enabled Walter the Steward to repulse the attack on Berwick in 1319. (See Barbour's *Brus*, cxxx. and Bain's *Calendar*, iii. 126.)

³ Formerly a supporter of the English King; but, being suspected in 1313, was imprisoned in Roxburgh Castle. (Bain's *Calendar*, ii. No. 337.)

having mustered more than eight score men-at-arms, came before the said castle of Norham, thinking to raid the cattle which were grazing outside the said castle. The young fellows of the garrison rashly hastened to the furthest end of the town, which at that time was in ruins, and began to skirmish. The Scottish enemy surrounded them. The said men of the sortie defended themselves briskly, keeping themselves within the old walls. At that moment Thomas de Gray, the said constable, came out of the castle with his garrison, [and], perceiving his people in such danger from the enemy, said to his vice-constable: 'I'll hand over to you this castle, albeit I have it in charge to hold in the King's cause, unless I actually drink of the same cup that my people over there have to drink.'

Then he set forward at great speed, having [within] of common people and others, scarcely more than sixty all told. The enemy, perceiving him coming in good order,¹ left the skirmishers among the old walls and drew out into the open fields. The men who had been surrounded in the ditches, perceiving their chieftain coming in this manner,² dashed across the ditches and ran to the fields against the said enemy, who were obliged to face about, and then charged back upon them [the skirmishers]. Upon which came up the said Thomas with his men, when you might see the horses floundering and the people on foot slaying them as they lay on the ground. [Then they] rallied to the said Thomas, charged the enemy, [and] drove them out of the fields across the water of Tweed. They captured and killed many; many horses lay dead, so that had they [the English] been on horseback, scarcely one would have escaped.

The said Thomas de Gray was twice besieged in the said castle—once for nearly a year, the other time for seven months. The enemy erected fortifications before him, one at Upsettlington, another at the church of Norham. He was twice provisioned by the Lords de Percy and de Nevill, [who came] in force to relieve the said castle; and these [nobles] became wise, noble and rich, and were of great service on the Marches.

Once on the vigil of St. Katherine during his [Gray's] time,

¹ *En le maner.*

² *A la gise.* This may be an idiomatic expression for moving briskly, *gise* meaning 'a goad' as well as 'manner, way.'

the fore-court of the said castle was betrayed by one of his men, who slew the porter [and] admitted the enemy [who were] in ambush in a house before the gate. The inner bailey and the keep held out. The enemy did not remain there more than three days, because they feared the attack of the said Thomas, who was then returning from the south, where he had been at that time. They evacuated it [the forecourt] and burnt it, after failing to mine it. ms. fo. 211

Many pretty feats of arms chanced to the said Thomas which are not recorded here.

About this time Joscelin d'Eyville¹ caused the manor of Allerton to be seized, and held it by force of arms; such disorder taking place because the barons respected not the King's authority, so that every one did as he pleased. At which time John the Irishman² ravished the Lady de Clifford; the malefactors were called *schauldours*.

The barons came at this time to a parliament in London, their people being dressed in livery with³ quartered coats; and there began the mortal hatred between them and the King.

At which time appeared the star comet; also it was a dear year for corn, and such scarcity of food that the mother devoured her son, wherefore nearly all the poor folk died.

The aforesaid King tarried in the south, where he amused himself with ships, among mariners, and in other irregular occupation unworthy of his station, and scarcely concerned himself about other honour or profit, whereby he lost the affection of his people.

At the same time there came a man who declared himself to be King by right, having been taken out of the cradle and this Edward substituted as King. This fellow was hanged at Northampton, declaring⁴ that the devil in the shape of a cat had made him say this.

By intervention of the nobles of the realm the King was reconciled with Thomas, Earl of Lancaster, in regard to the death of Piers de Gaveston, which [reconciliation] endured for a while, and soon afterwards [the quarrel] was renewed.

¹ An ancient Northumbrian family whose castle of Dilston (d'Eyville's town) still remains, a ruin, near Corbridge.

² *Johan le Irroys*, who abducted the lady from Barnard Castle in the autumn of 1315. The King sent three knights and thirty-six esquires to rescue her.

³ *Ove* = *avec*, misprinted *ou* in *Maitland Club Ed.*

⁴ *Reioyaunt*.

This King Edward was on one occasion before Berwick with all his royal power, and had besieged the town, which shortly before had been lost to him through the treachery of Peter de Spalding, when he [the King] had given it into the hands of the burghers of the town, in order to save the great expense to which he had been put before. At the same time the Scots entered by way of Carlisle, and rode far into England, when the common people of the towns and the people of Holy Church assembled at Myton,¹ and were there defeated, as a folk unaccustomed to war before fierce troops. Wherefore the King raised his siege of Berwick, intending to operate against his enemies within his realm; but they moved through the wasted lands towards Scotland so soon as they knew of the raising of the siege, [to effect] which had been the reason for their expedition.

^{MS.}
fo. 211^b The King left his Marches in great distress [and] without succour, and retired towards the south, where the great men of his realm were again in rebellion against him, [namely] the said Earl of Lancaster and others, who besieged his [the King's] castle of Tickhill.² The Castle of Knaresborough³ was surprised by John de Lilleburn, who afterwards surrendered upon terms to the King. The Queen besieged the Castle of Leeds, to whom it was surrendered, for the barons would not relieve it out of respect to the Queen Isabel. The said barons came in force, with banners displayed, against the King, at the bridge of Burton-on-Trent, where they were defeated, and retired towards Scotland, as it was said, to obtain aid and support. But at the bridge of Boroughbridge, Andrew de Harcla and other knights and esquires of the north, who were of the King's party, perceiving the barons approaching in good order,⁴ seized one end of the bridge aforesaid, the way by which they [the barons] had to pass; where the earls and barons were defeated, killed and captured; the Earl of Hereford being slain, the Earl of Lancaster and many of the barons being taken and brought before the King. The lords de Moubray and de Clifford were hanged at York in quartered coats, such as their people had worn in London. Thomas, Earl of

¹ 'The Chapter of Myton,' 20th Sept., 1319.

² In the West Riding. The Norman keep was demolished in 1646 by the Parliamentarians.

³ Dismantled in 1648 by the same authority.

⁴ *A la maner.*

Lancaster, was beheaded at Pontefract¹ in revenge for Piers de Gaveston, and for other offences which he had often and habitually committed against the King, and at the very place where he had once hooted, and made others hoot, the King as he [the King] was travelling to York.

Andrew de Harcla was made Earl of Carlisle; but he did not last long; for in his pride he would commit the King to having made peace with the Scots in a manner contrary to his instructions; which was the finding of the King's council. This Andrew was tried by the chief men of his council at Carlisle, and was there drawn and hanged.²

Andrew de Harcla had behaved gallantly many times against the Scots, sometimes with good result and sometimes with loss, [performing] many fine feats of arms; until he was captured by them and ransomed at a high price.³

In the summer⁴ following the death of the Earl of Lancaster the King marched with a very great army towards Scotland, having, besides his knights and esquires,⁵ an armed foot-soldier from every town in England. These common people fought at Newcastle with the commons of the town, where, on the bridge of the said town, they killed the knight, John de Penrith, and some esquires who were in the service of the Constable,

¹ A.D. 1322.

² In February, 1323, Sir Andrew, who took his family name from the manor of Harcla in Westmorland, had done King Edward splendid service. It is true that he entered into unauthorised negotiations with King Robert, and that an indenture, pronounced to be treasonable was drawn up between them at Lochmaben, 3rd January, 1322-3; but it is pretty clear that Harcla never meant to betray his country. He despaired, and with good cause, of Edward II.'s government, and endeavoured to avert the disasters which he foresaw by acknowledging Robert as King of Scots, thereby securing the peace which Robert was anxious to restore between the two countries.

³ Barbour refers to de Harcla's capture by Sir John Soulis of Eskdale, with fifty men against Harcla's three hundred, 'horsyt jolyly.' He alludes, also, in most tantalising manner to a ballad celebrating the exploit:

'I will nocht rehersh the maner
For quha sa likis, thai may her
Young wemen, quhen thai will play,
Syng it amang thaim ilk[a] day.'

On 23rd November, 1316, Sir Andrew petitioned King Edward II. to grant him two Scots prisoners in aid of his ransom, adding that his valet, John de Beauchamp, will explain how he, Sir Andrew, came to be taken.

⁴ *Le procheyn este*, omitted in *Maitland Club Ed.*

⁵ Who of course had each his armed followers.

and the Marshal, because they tried to arrest the ruffians so as to quell the disturbance; so insolent were the common folk in their conduct.

The said King marched upon Edinburgh, where at Leith there came such sickness and famine upon the common soldiers of that great army, that they were forced to beat a retreat for want of food; at which time the King's light horsemen¹ foraging at Melrose were defeated by James de Douglas. None [dared] leave the main body to seek food by foray. So greatly were the English harassed and worn with fighting that before they arrived at Newcastle there was such a murrain in the army for want of food, that they were obliged of necessity to disband.

The King retired upon York with the great men of his realm; when Robert de Brus having caused to assemble the whole power of Scotland, the Isles and the rest of the Highlands, pressed ever after the King, who, perceiving his approach, marched into Blackhow Moor with all the force that he could muster on a sudden. They [the Scots] took a strength on a hill near Biland, where the King's people were defeated,² and the Earl of Richmond, the Lord of Sully, a baron of France, and many others; so that the King himself scarcely escaped from Rivaulx, where he was [quartered]. But the Scots were³ so fierce and their chiefs so daring, and the English so badly cowed, that it was no otherwise between them than as a hare before greyhounds.

The Scots rode beyond the Wold and [appeared] before York, and committed destruction at their pleasure without resistance from any, until it seemed good to them to retire.

¹ *Lez hoblours.*

² 14th October, 1322.

³ *Estoient*, omitted in *Maitland Club Ed.*

(To be continued.)

Excavations at Newstead Fort

Notes on some Recent Finds

THE work of excavating the Newstead Fort still continues. Much has been done in tracing the plan of the buildings in the interior, and several points of interest have emerged; but the most striking result of the work lies in the collection of objects from the Roman period which have been brought to light. In this respect the Newstead excavations more closely resemble those of the German Limes Forts than any hitherto undertaken on similar sites in Britain.

The finds for the most part have been made in clearing out what would appear to be disused wells or rubbish pits. These have been found outside the Fort as well as within the ramparts. In depth they vary from twelve to thirty feet, and all of them are more or less full of decomposed animal and vegetable matter which has a marked preservative influence. In many instances branches of birch and hazel have been found with the bark bright and silvery. Animal bones occur in large quantities, and rope, fragments of cloth, even a tiny portion of an egg-shell, have been met with. Pottery is well preserved, and the red Samian ware retains the full brightness of its glaze. Iron tools seem little the worse for their immersion, and brass and bronze objects have been recovered showing little or no discolouration. The finds made in the pit discovered in the courtyard of the Praetorium, consisting of an altar and remains of armour, were noted in the October issue (*S.H.R.* iii. 126). In tracing the barrack buildings on the east side of the Fort, the sinking of a wall revealed another pit, at the bottom of which was found a bronze vase with a single handle. It stands eleven inches high, and belongs to a type emanating from Southern Italy. It probably dates from the end of the first century. Similar specimens have been found in Central Europe, and traces of them have been met with before in Scotland, as in the remains of bronze vessels found on Ruberslaw,

now in the Hawick Museum; but the metal of which they are made is thin, and we do not know of another specimen in the north which has survived in its entirety. The vase is undecorated, except for the handle, which is of fine workmanship, and in part beautifully patinated. The highest point is formed by a lotus bud, rising from a collar of leaves from which two arms in the form of long-beaked birds spread out to attach it to the rim of the vase. The lowest point of the handle, where it is fastened to the side, takes the form of a Bacchanal head, with ivy tendrils wreathed in its hair.

In the field known as the Fore Ends, lying to the south of the Fort, and just beyond its ramparts, fourteen pits have been cleared out with most interesting results. In one of these two chariot wheels three feet in diameter were found. The felloes were made of a single piece of ash, with an iron rim. The hubs were of elm, bushed with iron. The spokes, which were unfortunately broken, were neatly turned, fitting into the hub with a square tennon and into the felloe with a round tennon. The type of wheel is precisely that of the interesting specimen found last year at Barrhill. In the same pit was found a human skull cleft by the blow of some sharp weapon, an axe, and remains of two buckets. In another pit was found a small globular vase of Samian ware, an iron sword, a battered bronze object, which at first was thought to be a helmet, but which is more probably a vessel, with the name *LVCANI* twice scratched upon it, two long chisels, one with its haft of bone, a hoe or entrenching tool, and a number of iron mountings.

A most valuable collection of armour came from a third pit. It consisted of four pieces of bronze armour, two for the protection of the shoulders, and two probably for the arms; nine phalerae of bronze; a circular plate of bronze, nine inches in diameter, embossed in the centre; an iron helmet considerably damaged; fragments of a second helmet; an iron visor mask, unfortunately broken; and a very fine helmet of brass decorated with embossed figures in high relief. The pit also produced an iron sickle-shaped knife or bill-hook, a quantity of leather and some shoes, two bridle bits, a complete quern, and several fragments of Samian ware. Part of one bowl, of a type dating from the end of the first century, has been put together. The bronze armour and the brass helmet, all objects of the greatest rarity, are in wonderful preservation,

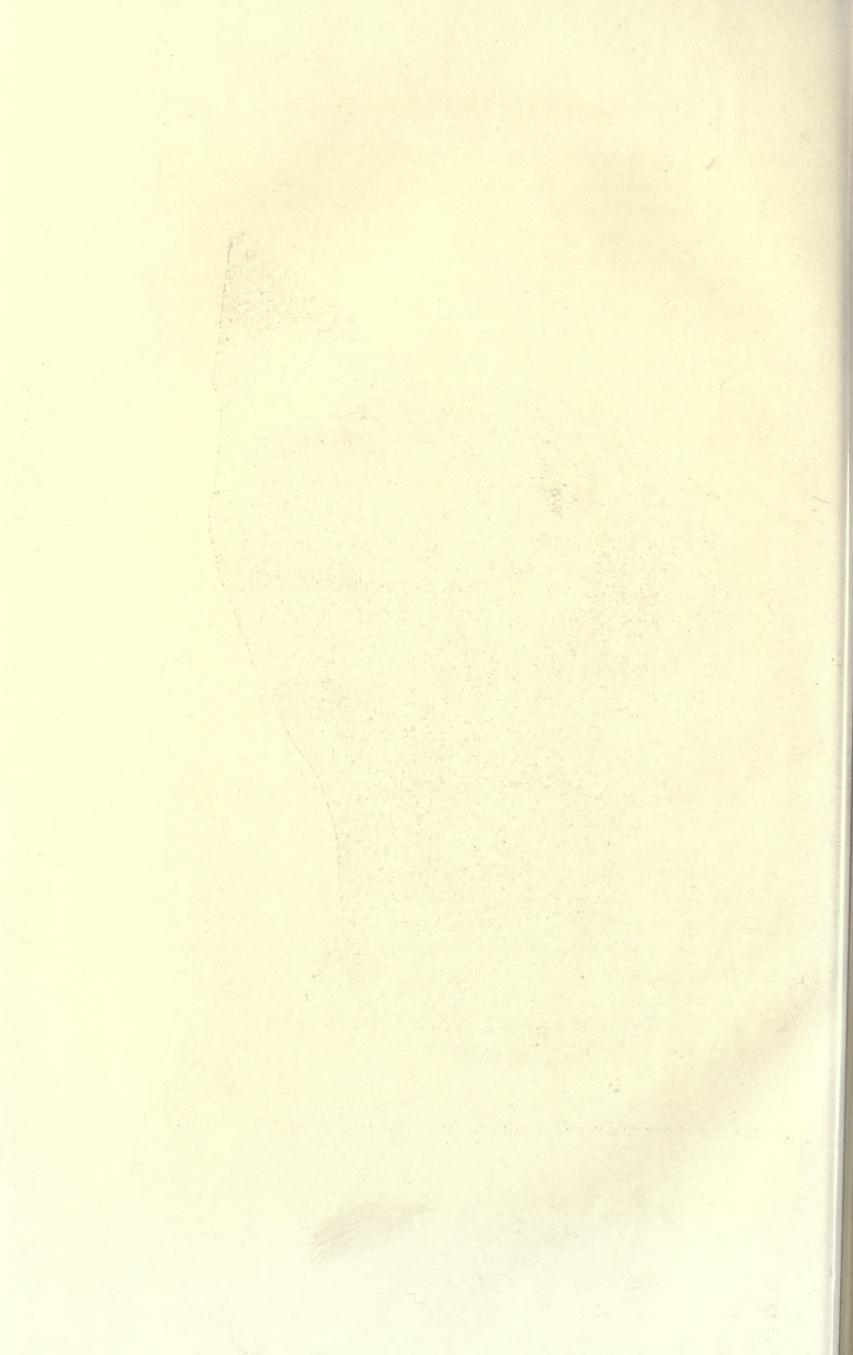
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C. H. Curle

ROMAN HELMET OF BRASS FOUND AT NEWSTEAD, 11TH APRIL, 1906

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and it adds greatly to their interest that on most of them the owner's name has been scratched with a sharp point. Three of the four armour pieces have the number **XII** punctured upon the inner side, and one the number **XV**. All of the four have scratched upon them the name **SENECIONIS** or **SENECIO**. In addition, the last-mentioned piece has a name faintly scratched, of which the reading is possibly **SIUSELI**. The nine phalerae all bear the name **DOMETI ATTICI**. The brass helmet has an inscription punctured on the rim, probably an owner's name, but it has not as yet been satisfactorily deciphered. The armour pieces are without decoration of any kind; they appear to have been sewn on leather, and are furnished with small holes round the edges for that purpose. The phalerae were, on the other hand, fastened to the lorica by small nuts, many of which remain. It is interesting to note that, though undecorated, they correspond exactly in number and in shape to the well-known set of these objects found at Lauenfort, in Prussia, in 1858, now preserved in Berlin. Of the two iron helmets one has probably been quite plain, only fragments of it are left; of the other, though much damaged, enough remains to show us that in type it probably resembled the specimen found at Bettenberge, now at Stuttgart. The whole of the back of the head is fashioned to resemble curling locks of hair bound with a wreath. Several attachments of bronze which remain were, no doubt, intended for use in fixing a plume or crest. The rim round the neck is overlaid with a band of bronze decorated with a chevron ornament.

It is probable that the iron mask found formed the visor of this helmet. The features are of classical type, as in the visor of the well-known Ribchester helmet, and in other specimens found on the Continent. On the forehead and above the ears are curling hair-locks resembling those of the helmet, and among them small pieces of silver are to be noted, probably the remains of some ornamentation. The most perfect object of the find is the brass helmet. No visor was found with it. It covers the head and neck, and has a high projecting peak in front. The whole of the crown is covered with an embossed design. At the back a winged figure stands upright, driving a two-wheeled chariot, to which a pair of griffins are harnessed. In one hand it holds the reins, in the other a whip, with which it urges them on. In front another winged figure floats through the air. A helmet in many respects

resembling it was found at Nikopol in Bulgaria, and is now preserved in Vienna. It has the same projecting peak, and though more elaborately executed, a design with winged figures.

Twice in England a large number of iron objects have been found in Roman pits. The first find occurred at Great Chesterford in Essex in 1854. The second at Silchester in 1900. A similar find has lately been made at Newstead. The pit was twenty-two feet in depth. In the usual deposit of black decaying matter it contained a quantity of bones, among them some fine red deer antlers, a saddle quern, an oak plank, a yoke also of oak, a beautifully made shoe with the upper part of openwork, a large vase of black ware, portions of a human skull, and no less than ninety-one objects or pieces of iron, and three of brass. These consisted of two small anvils, one sword, five spears, four scythes, five hammers, two pairs of tongs, two chisels, two gouges, one stirrup, one axe, four pickaxes, one chain, two handles, a smith's drift, a bucket hoop, two wheel rims, twenty-six hub rims, two staple mandrils, five pieces resembling the tops of a railing, three brass mountings, and twenty-two pieces of iron or portions of objects to which a purpose cannot be assigned. The sword blade is broken in two. Some of the spear points are blunted by use. The pickaxes, which have all the appearance of military tools, have the edges broken and the points turned by hard usage. Many objects show signs of wear, others were evidently in process of being converted to some new purpose. The whole find suggests the contents of a forge.

A considerable area still remains to be excavated if the necessary funds are forthcoming. Should it yield results as interesting as those already obtained, the Newstead finds will form a collection of the greatest archaeological value as illustrative of the life on the Roman frontier.

JAMES CURLE.

[The nature and variety of the finds at Newstead Fort and the care with which they are being recovered and preserved, make the excavations a work of national importance. The expense of digging is very considerable, and further funds are required. Contributions may be sent to Joseph Anderson, LL.D., Society of Antiquaries of Scotland, Queen Street, Edinburgh. Ed. S.H.R.]

The Ruthven of Freeland Barony and Mr. J. H. Round.

THE Ruthven of Freeland peerage controversy, so far as I am at present concerned, consists of Mr. J. H. Round's articles or article to prove that the peerage is extinct,¹ my pamphlet to shew that Mr. Round has not made out his case,² Mr. Maitland Thomson's review of that pamphlet (*S.H.R.* iii. p. 104), and Mr. Round's reply to it (*S.H.R.* iii. pp. 194 and 339). I now proceed to make my second, and, as I propose, my final contribution to the controversy, consisting of an examination of Mr. Round's Reply.

One preliminary observation occurs to me to be made. It is, that I propose to treat as Mr. Round's *own* arguments all arguments which he puts forward for his own purposes. Mr. Round desires to distinguish, in the matter of his responsibility, between the arguments which he has only borrowed from Riddell and the late Earl of Crawford, and those which he has discovered or invented for himself. I do not refer to his statement that 'Mr. Stevenson . . . persistently ignores my own points which tell against his case.' The truth of that assertion may be left to the judgment of those who have taken the trouble to read my pamphlet. What I refer to are the passages in which he says that I put in his mouth, or foist upon him statements which are not his, but which he only quoted. I reply that a disputant is not permitted to borrow statements or arguments and use them for his own purposes, and at the same time deny that they are his arguments. It is impossible to recognise any differences in a controversialist's responsibility for the weapons which he uses.

Ingrained in all Mr. Round's writings on the question of the peerage of Ruthven is the theory that a special Scotch

¹ See Foster's *Collectanea Genealogica*, 1884, p. 167; *Quarterly Review*, 1893, p. 407; *Studies in Peerage and Family History*, 1901.

² *The Ruthven of Freeland Peerage and its Critics* (MacLehose), 1905.

system exists which affords a shelter to the pretender to a peerage from the necessity of proving his right, to which he would have been exposed in England. It has to be remembered therefore that there is no such system. The same law with regard to the assumption of titles of peerage obtains in both countries, and the jurisdiction of the House of Lords to compel its observance is the same in Scotland as it is in England.

Mr. Round informs us, however, that 'no less a writer on the British Constitution than Sir William Anson has declared the absence of any certain bar to the wrongful assumption of Scottish dignities a flaw in our existing system'; and that Mr. Æneas Mackay and the late Lord Clerk Register, and Lyon King of Arms 'reluctantly admitted' to the Lords' Committee of 1882 that there were persons in Scotland who had not been put to a proof of their pretensions, and persons who might and might not be peers. But we should like to have the proof that these authorities admitted or asserted the fact that what they said applied specially to Scotland, or, what is better, the proof of the fact itself.

As Mr. Round informs us at this point that he is an Englishman, his proof of the Scottish flaw must not be called Irish; but the fortification of his statement consists, *firstly*, of a citation of the Irish 'Lord Carlingford' case; *secondly*, of the mention of 'a certain title,' unnamed, and not said to be Scottish, 'which has never been, and, it is alleged, never could be proved,' and of which Mr. Round mysteriously announces: 'I may add that, to my own knowledge, this case causes anxiety in an official quarter';¹ and, *thirdly*, 'at least one English peerage title which is at present persistently assumed.' (*S.H.R.* iii. p. 195.) It is only as he writes that Mr. Round finds a current Scotch case, or a rumour of one, in a newspaper, and puts it in a footnote.

So Mr. Round has admitted that the unwarranted assumption of a title of peerage may be found in England and Ireland; and has proved that his authorities cannot possibly have meant what he attributed to them.

The only peculiarity in peerage matters in Scotland, which is not found in England or Ireland, is one which has nothing to do with freedom or restriction in assuming titles; it is that in Scotland the peers are summoned to elect their parliamentary

¹ Society papers, please copy.

representatives without a roll of peers, but with a roll of peerages only; with, in fact, no roll of voters, but only a roll of qualifications, and with no power of refusing votes without the intervention of the House of Lords. But whose fault is that?

The Lords' Committee of 1882, from whose Minutes of Evidence Mr. Round quotes, a Committee the majority of whom were Scotsmen, reported unanimously in favour of the institution of a Roll of Peers. They also, by a majority, reported in favour of altering the system in matters of protests, etc., and of taking evidence in Scots peerage claims, by utilising the Court of Session. Who then appeared 'passionately attached to the present system or lack of any,' or revealed that the subject was a 'tender' one for him? It was Mr. Round's own countryman, the Earl of Redesdale, who dissented from the majority because he considered that their suggestions were an imputation on the efficiency of the House of Lords as the Court for all these matters for the last 170 years. Mr. Round must have missed the Report.

The Committee also was moved to make recommendations by the advice of its Scots witnesses, Mr. Mackay, the Lord Clerk Register, and the Lyon King, who agreed on this at least, that the present electoral system was in want of amendment. Mr. Round must have missed that too; for it turns out that the facts which he innuendoes as 'admissions,' 'reluctant,' 'very reluctant,' and so on, Lyon indeed being 'driven to admit,' were actually the facts which they had come expressly to London to persuade the Committee to accept as grounds for the changes which they desired.

The discussion, however, has no relevance to the question of the peerage of Ruthven, unless proof is forthcoming that the system, Scottish or not, has actually protected that peerage from any sufficient trial to which it would otherwise have been subjected. That proof is absent.

In his original case, Mr. Round stated that, in Scotland, 'Wrongful assumptions were challenged in one of two ways: (1) by a counter-claimant, as in Oxenford, and Rutherford. . . . (2) by the vote happening to turn the scale at a contested election, as in Newark, and Lindores.' He asserted at the same time that the first test 'could not' apply to Ruthven, because there was in fact no counter-claimant. He stated also that on the only 'important' occasion on which the second test

was in fact applied, Ruthven, being a minor, was not present. 'We thus perceive,' says Mr. Round, 'that it was from special circumstances that the Ruthven peerage escaped challenge.'

The argument, of course, embodies the familiar formal fallacy of the 'illicit major.'

The rival claimant and the said contested election are dangers. Ruthven escaped these.

Therefore Ruthven escaped all dangers.

But it does not appear why there was no counter-claimant, if, as one of Mr. Round's authorities says, the peerage was open to collateral *heirs male*. Nor do we perceive that the Ruthven vote was never exposed to challenge merely because the peer was not able to be present on the only 'important' occasion on which other peerages were challenged. There is thus, manifestly, a complete failure of proof that the Ruthven 'escape' from challenge was due to 'special circumstances.'

In consequence of the abundant evidence which I adduced in my pamphlet that the event of the appearance of a rival, or the event of a vote turning the scale at an election, were not the only contingencies which a pretender to a peerage had to fear, Mr. Round now rejoins: 'I never used the word "only"' (*S.H.R.* iii. 200, note 2). I accept the disclaimer, without examination of the fact. His amended statement of his argument is now: 'That the accident of its [Ruthven's] survival is explicable by its lucky circumstances, which saved it from the usual perils' (*ib.* 196).¹ Verily, Mr. Round, whatever he meant before, puts forward a transparent fallacy now.

To the consideration of the cases of protest which were not made by rival claimants, and not made when there were contests imminent, Mr. Round has now applied himself; and he says that they were 'rare,' and, arguing from the occasions of the cases on record, he says such protests were 'only based' on '(1) the claim being at variance with a known limitation, and possibly (2) on a claimant not having proved his pedigree.' In the case of Ruthven, therefore, he concludes: 'Naturally there was no protest, because these grounds of a protest were wanting.' This is an instance of an argument in a circle, Mr. Round having premised that the bases he observed were the 'only bases.' But there was nothing to restrict the peers from challenging on any sufficient ground.

¹ Mr. Round's arguments here from the cases of Duffus and Oxenford, even if otherwise valid, which they are not, contain this fallacy.

It therefore stands that Ruthven's 'lucky circumstances' did not save it from the danger of challenge. Other peerages were challenged by the Lord Clerk Register, or by a peer who was no rival claimant, and at times when there was no contest of any kind. And the House of Lords repeatedly interfered whether there was a competition or a protest or not, and ordered the pretender to a peerage to prove his right before he further attempted to use the title.

I find no important observations in Mr. Round's reply on the cases I adduced in my proof. To some of them he makes no reply at all. The only argument which seems to call for notice regards the case of Wigton. It, says Mr. Round, was 'a glaring case of baseless assumption.' In his view, however, that circumstance cannot distinguish Wigton from Ruthven, which he has announced to be a 'fraud,' and a 'flagrant scandal . . . of, I believe, unparalleled character.'

But not even a fragment of Mr. Round's argument remains. For he denies also that he ever said that the Lord Ruthven of 1734 in question never voted when his vote might have turned the scale. (*S.H.R.* iii. 199.)

It is thus clearly to be presumed that the peers at elections, and the peers in parliament, refrained from challenging the Lords Ruthven, not because of the absence of any interested party to bring the case before them, but simply because they did not class the Lords Ruthven with those whose titles ought to be challenged, or needed to be proved.

Mr. Round here falls back upon an argument which concludes for a smaller concession. The cases of Borthwick [which he has admitted] and Wigton 'will not,' he says, 'avail Mr. Stevenson, for what he has to prove is that "all things" were set right, and if it can be shewn that a single known wrongful assumption ran the gauntlet successfully, Mr. Stevenson's argument breaks down, for Ruthven may have done the same.'

It would no doubt be a relief for the assailant in this case if the onus of proof which he has undertaken might now be shifted on to the shoulders of his opponent; but the principles of probation decline to assist him. Firstly, I cannot be compelled to prove a negative, and secondly, as I have shewn that the House of Lords once set its hand to the elimination of mere pretenders, and that it successfully eliminated a number of them, a presumption has come in, whether Mr. Round or I

will or not, that the House continued its work till it completed it.

Mr. Round styles the peerage of Ruthven 'an accidental survivor,' but that proves nothing. How accidental? Because the 'exceptional' action of the House of Lords was 'but a flash in the pan.' If there was ever any use in conundrums, I should be inclined to ask why Mr. Round so frequently argues in a circle.

There is, then, no presumption that the House stopped short. That is a fact which Mr. Round has to prove; and if his proof is to neutralise the presumption arising from a recognition as prolonged as that of Ruthven, he must be able to point to an instance in which a peerage was (1) known to be extinct, and (2) was, nevertheless, allowed to a line of pretenders for a very considerable term of years.

Mr. Round tables two cases, Newark, and Colvill of Ochiltree, and my respect for his abilities entitles me to assume that they are the most apposite to his purpose that can be found. But neither of the cases possesses the requisite characteristics. Newark fails in the first; it was not known to be extinct until the House of Lords, in 1793, pronounced its documentary title to be bad. The case of Colvill fails in the second requisite. As Mr. Maitland Thomson says: 'For claimants of the Colvill of Ochiltree type there is justice in Scotland as swift and sudden as south of the Tweed.' (*S.H.R.* iii. p. 108.) The pretender to that title appeared in 1784, and in that year voted at an election; he voted again in 1787, but on tendering a vote a few months later, in January, 1788, his vote was challenged, and on a petition was disallowed. That was the end of that claimant; he at least cannot be said to have 'run the gauntlet successfully.'

The proof, then, that any known wrongful assumption ever ran the gauntlet, or received the recognition accorded to the peerage of Ruthven, has failed.

It is not surprising, as I have said, that the assailant of this peerage, who has asserted the fact that the peerage is extinct, should desire to be relieved of the proof of it.

So we find Mr. Round harking back to the presumption of law, which, he complains, I have not dealt with. Abandoning his proof that the patent was to heirs male of the body, or else to heirs male, he states the fact that, 'when the contents of a patent are unknown, the law, as laid down by Lord Mansfield,

presumes a limitation to the heirs male of the body of the patentee.'

That is, no doubt, perfectly true, but the existence or nature of a legal presumption invented in 1761, which fixes the onus of proof, relieving the heir male, and burdening the heir of line and the heir of entail, is quite irrelevant to the enquiry. It deals with the necessity, not the weight of evidence.

'As the contents of the patent are admittedly unknown,' he perseveres, 'that title has been extinct in the eyes of the law, as now understood and acted upon, for the last 180 years.' So Mr. Round invites us to consider a presumption of law as a point in a demonstration of fact! But it won't do. Lord Mansfield's doctrine neither extinguishes nor vivifies peerages.¹ If it absolves Mr. Round from proof until the presumption is rebutted, good and well. But if from any feeling that, for example, facts and circumstances have rebutted the presumption, Mr. Round enters the arena of fact, he is on the level of all disputants, he has to prove his facts.

What then are the facts? It is amazing, at this advanced stage in the discussion, to find a disputant who has been engaged in it for twenty years, starting the suggestion, that perhaps there never was any Ruthven of Freeland peerage at all. Mr. Round is not very sure of his law, he does not 'insist in any way upon this'; but he states the fact 'for what it is worth,' that the Ruthven patent never passed the Great Seal! (*S.H.R.* iii. 198.)

But what ground does Mr. Round shew for the statement? Not a scrap. He points out that the contemporary patent of the Earldom of Ormond never passed the Seals. But granted that a second patent had to be issued before the heir could sit in Parliament, Lord Ruthven was already sitting there. That is all that Mr. Round's facts on this head come to. His assertion that the patent of the lordship of Ruthven was in the same case with that of Ormond, is entirely out of his own head. He refers to Riddell (*Peerage Law*, pp. 67, 68), at the end of his sentence, but Riddell says not a word about the Ruthven patent in the whole book.

On entering into the discussion of the validity of the attack on the survival of the Ruthven peerage I found ranged against Mr. Round the Union Roll of 1707 (along with which

¹ If Mr. Round were right, the Sutherland peerage had been extinct for 250 years when the same Lord Mansfield, in 1771, awarded it to an heiress.

may be taken the Parliamentary Roll of 1706), the Roll of 1740 returned by the Judges of the Court of Session, and the uniform practice at Holyrood at the Elections of Peers, and at Court, Coronations, etc.; and cited in his favour Crawford's *Peerage*, Chamberlayne's List, MacFarlan's List, and a manuscript note by Lord Hailes, also John Riddell's opinion, in his *Remarks on the Scottish Peerage Law*, 1833, pp. 136, 143.

It is thus seen that the evidence here in favour of the peerage contained in the official Rolls is at least superior in kind to the evidence collected against it. The distinction is well recognized in all Courts of Law. The official Roll is certainly admissible evidence and to be taken as good until it is proven not to be good; while the evidence of irresponsible writers has to be shewn to be admissible before the nature of its contents can be looked at.

The Union Roll of 1707. This Roll of 1707 was but a certified copy of the Roll of the Scotch Parliament, as was proved by its identity with the Roll of 1706. It admittedly included the title of Ruthven. Mr. Round, following Riddell, argued that the inclusion of a peerage in the Roll did not prove that the peerage existed, because the Roll omitted three peerages, Somerville, Dingwall, and Aston of Forfar, that were extant, and admitted two, Abercromby and Newark, that were extinct.¹

The omission of the holders of good titles does not prove the inclusion of bad titles; but in the case of each of these omitted titles I found something that distinguished it from the cases of peerages in a normal state of exercise. Somerville had not appeared even in the Decreet of Ranking of 1606, and had not been asserted since. No Lord Dingwall had ever taken his seat in Parliament; the first lord had become an Irish Viscount and Earl, and the family had entirely left Scotland for near a hundred years. The first Lord Aston of Forfar was an Englishman. He had sat in

¹ Mr. Round says that his reference to the inclusion also of two dormant peerages, Ochiltree and Spynie, on the Roll was merely to shew that inclusion did not infer a recognition that the title had been validly assumed by any particular person. Of course it did not. The Roll was merely a Roll of Peerages. Inclusion in it inferred merely that the peerage was extant. For the sake of a full statement of the elements of the Roll, I called Mr. Round's attention to an admission of another extinct peerage, that of Glasford; but as he does not appear to accept the case, I do not press it. It turns on whether Lord Glasford's death in the Fleet Prison should have been officially known in Scotland.

Parliament on two successive days in the year that Charles I. went to Edinburgh to be crowned, and that was all. He died in 1639. His son and grandson had never sat. If the framers of the Roll of 1707 had happened to know of the survival of these titles so long after they had disappeared from Parliament, good and well. But it is ridiculous to insist that as they knew of the survival of Fairfax, they should have sent a commission abroad to enquire for Aston and his pedigree.

As to the inclusion of the two extinct titles, Abercrombie and Newark, I found that their retention on the Roll was capable of explanation.¹ The case of Abercrombie turned upon the construction of its patent, one of the clauses of which bore that the title went to collaterals. Newark turned, as I have already said above, on the validity of a document, which was not ascertained till 1793.

After stating the facts just summarised I added, 'Mr. Round will perhaps be dissatisfied with the foregoing account of the errors of the document in question, for again, following Riddell, he informs us in a footnote that such was the carelessness and inaccuracy with which the Union Roll was constructed that "Douglas himself confesses the inaccuracy of the test, for he at the same time observes that the Lords of Session in 'their report found the titles of no less than twenty-five Peers of that Roll dubious,' *so little reliance is there to be placed upon it.*" (Round, page 174, Riddell, page 136.)

Mr. Round's sentence bears only one construction. It meant that the judges had found that twenty-five of the titles on the Union Roll were doubtful when they were placed there. I proved that Douglas never confessed or asserted what Mr. Round said he had confessed; and that, whether he had or not, the judges never found or pretended to find what Mr. Round says they found. What has Mr. Round had to say in reply? He says: 'My readers are now, doubtless, prepared 'to learn that I have nowhere made any such statement. The 'statement that the Lords of Session found the titles of no 'less than twenty-five Peers of that Roll dubious is triumphantly 'cited by Riddell from Douglas, who is therefore the person 'responsible for it. I am in no way responsible for its accuracy, 'nor did I myself impugn more than two titles, besides Ruthven, 'on the Roll' (*S.H.R.* iii. 209). So in the act of running

¹ It is worthy of notice that they appear also in Chamberlayne's List of 1708, the first edition of the List cited by Mr. Round, as an authority.

away he says over his shoulder that the charge was good—‘triumphant.’ Some pages earlier in his Reply (page 203), he quotes an accusation of irrelevancy levelled by me again against Riddell. On that he comments: ‘Riddell is a dead man who cannot defend himself.’

Mr. Round accuses me of not meeting his argument, that ‘retention of a peerage on the Roll was merely an admission that its extinction *had not been demonstrated, and was not a recognition that it had been validly assumed by any particular person.*’ (The italics are Mr. Round’s.)

But no one ever said that the presence of a peerage on the Roll was an assertion of the pedigree right of the holder, and it is quite unnecessary to take the trouble to confute the assertion that the retention on the Roll of a peerage, which was in the position of the Ruthven peerage, for six years after the extinction of the grantee’s male line, while the patent was no more than fifty years old, was merely an ‘admission’ that its extinction had not been demonstrated.

The Roll of 1740 was made up in the form of a Return, in pursuance of an Order of the House of Lords demanding, among other things, a list of all the existing Scotch Peerages and a statement as far as the judges were able to make it of the particular limitations of those peerages. The judges confined themselves to the first part of the remit.

Their Return contained a list of Peerages, which list was, practically, the Roll of 1707 along with some additions, some omissions, some alterations and some observations. The Return has all the weight of an official document made by the most responsible authorities in the performance of a public duty. And the form and contents of the Return are such as to leave no alternative to the conclusion that the judges proceeded to their work with the greatest method, and that they deliberately classed the peerage of Ruthven with those of the subsistence of which they had no doubt.

Mr. Round’s assertion first in logical order against this Roll was that it had ‘no judicial or even official authority.’ I believe I showed in reply that the Roll has both. What then does Mr. Round reply? He attempts to escape from the responsibility of having made the assertion.

‘Here we have Mr. Stevenson again trying to foist on me a statement which was not mine, but as we discover in his next page Lord Crawford’s.’

Other people must have discovered Lord Crawford's authorship in my next *line*. My words were : 'Mr. Round's argument which comes first in logical order, is the formal objection that the report has "no judicial or even official authority." His statement is couched in what is, or appears to be, a quotation from the great pleading in favour of heir of line of the earldom of Mar.'

But Mr. Round adopts the statement. He puts it in italics. He announces that Lord Crawford in the quotation 'disposes of this unfortunate document,' and pronounces his Lordship's assertions an '*exposé* of "the Lords of Session" and "their elaborate (!) report."' Finally he adds, 'so much for the evidence of this report.' After all this it is that Mr. Round attempts to disown the statement. Then, after having solemnly treated us to all this quibble as to whether the words are his own or not, he takes the trouble to reprint them *in extenso*, and again in italics, and comments on them, 'this is strong enough, and I cannot wonder that Mr. Stevenson does not like it.' He petitions to be allowed to adopt other people's statements, without having to take the consequences.

Then, similarly after disclaiming the responsibility for the statement, which he quotes from Lord Crawford, that the report was the work of one man, he concludes, 'and at the end of it all what do we find? The above quotation from Lord Crawford is perfectly accurate, which is all that concerns me.'

The extent to which the logic of authority appeals to Mr. Round on occasions is remarkable. The strength of Lord Crawford's statement carries conviction to his mind, and terror, he concludes, to his opponents' souls. But what *was* the 'end of it'? I proved that it was not the fact that the Report was the work of one man, and I shewed that the Report certainly has official authority. What the accuracy of Mr Round's quotation of inaccuracies matters I do not pretend to know. Mr. Round made other and longer quotations from the Earl. But I showed, by printing the original passages, that Mr. Round's quotations were so selected and pieced together as to be essentially misleading.

Leaving the contemplation of Lord Crawford's statement, Mr. Round proceeds to adduce some equally partizan assertions of Riddell's, and immediately expresses the anxious hope that 'if

‘Mr. Stevenson should attempt to dispose of these assertions ‘so fatal to his whole argument,’ he will at least refrain from describing them as ‘Mr. Round’s statements.’ My present business is to examine Mr. Round’s statements and arguments. If, therefore, he does not adopt the assertions and make them part of his case, they do not come within the circumscribed task to which I have set myself.

It appears, then, that my conclusion remains, and that the Report of 1740 ‘is a certificate of the existence of the peerage of Ruthven at its date, which can only be outweighed by very direct and overwhelming evidence to the contrary.’

Mr. Round gravely assures us that Riddell was *reluctantly compelled* to admit that the Roll of 1740 contained inadvertencies and inaccuracies. Just so, and the wolf who set himself to pick a quarrel with the lamb was reluctantly compelled to admit that the lamb who was down stream was polluting the water which he, the wolf, was drinking. If Mr. Round knew more about his subject than he appears to do, he would not fall into the solecism of quoting Riddell as he does.

Riddell’s works are a quarry of charter and pedigree facts, but in argument they are little more than the vehicle by which, if he did not consciously attempt to influence public opinion in favour of his clients, he at least gave the world the substance of his briefs. His confession of the history of his published opinions deprives them of the slightest particle of judicial authority. It is to be found at the end of his *Stewartiana* (Edinburgh, 1843). His section there headed *My Last Chapter* which begins on page 147 of that work, and which was inserted in that book after the index was completed,¹ is one of the most cynical confessions ever made by any writer. From what prudential motives the confession arose does not appear, but they were at any rate sufficient to induce Riddell to state expressly that his published books, including the two on which Mr. Round so confidently founds, were written in advocacy of his clients:—

‘I only praise Lord Hailes because I find his authority ‘convenient to support some peerage cases which I am engaged ‘to defend. If I had been on the other side I would have ‘abused him as I have done other judges who differed from ‘me’ (p. 149).

¹ I cite from Riddell’s presentation copy to Thomas Thomson.

Then follows an extraordinary catalogue of his forensic resorts in objurgation and vituperation, mainly of Lords Mansfield and Roslyn, culled mostly from his *Peerage Law*, that storehouse from which his disciple in the Ruthven case brings out things new and old under the blissful impression that every word of Riddell is of the quality of a citation from the judgment of a supreme court. Some lines further down (p. 150) Riddell reveals the character and intention of his writings:—

‘I am quite aware that anyone who liked to pull them to pieces, might make a curious contrast between my first performance and my last (my *Remarks* of 1833 and my *Peerage Law* of 1842), and what more natural when they were written on different sides of the question?’

As it is unnecessary to add to what I have already said on the subject of the coronation summonses I pass to Mr. Round’s proof in contradiction of the Rolls.

Crawfurd’s Peerage. Crawfurd had said that the peerage died with David, the second lord. (That Crawfurd changed his mind afterwards we may neglect in this context.) As there were collateral heirs male, Crawfurd meant that the peerage was to *heirs male of the patentee’s body*. I found, however, that Crawfurd’s short article in the peerage in question was otherwise full of errors, it is wholly unreliable. There is no need of rehearsing these errors.

Chamberlain’s List of 1726. This list Mr. Round adduces to prove generally that the Ruthven peerage was non-existent when David’s heirs were assuming it. The list is an anonymous part of a London periodical of the almanac type, entitled ‘*The Present State of Great Britain*,’ and I showed it to be full of errors and utterly unreliable, even if it were admissible as evidence at all.

‘*A Contemporary Manuscript of Note.*’ ‘There is,’ says Mr. Round, ‘no contemporary clue to its [the patent’s] contents save a manuscript of note in the “Advocate’s Library,” in which the dignity occurs in a list of creations, granted to Sir Thomas Ruthven and to his heirs male.’ I showed that the manuscript, on the face of it, was a hundred years later than the patent, and that it was notable only for its errors and its unreliability; and I asserted that Mr. Round must have founded upon it without examining it.

I pointed out also that, if reliable, the list completely con-

tradicted Mr. Round's other authority, Crawford, for the List gives the title to collaterals, while Crawford denies it to them.¹

Lord Hailes's Manuscript Note. Mr. Round's fourth and last authority was a statement of Lord Hailes's on the margin of his copy of Douglas's peerage (a book published only in 1764) at the statement in the text dealing with Isabell, Lady Ruthven's, summons to Royal Coronations. The note runs that 'in a jesting way she said that this was her patent, and that she would preserve it as such in her chartered chest,' and it added that he had heard that Lady Ruthven's pension was 'to Lady Ann Ruthven.'

I showed (1) the immateriality of this tale, (2) that there was no evidence of its truth; that from the dates of Lady Ruthven's death, 1732, and Lord Hailes's birth, 1726, the story depended on hearsay, possibly on hearsay of hearsay; (3) that Lord Hailes was not shewn to have been in any special position to learn the family tradition; and (4) that the designation 'Lady Ann' was not necessarily any denial of her peerage, in support of which last I cited the instances collected in the minutes, etc., of the Herries Peerage Case.

What has Mr. Round had to say in reply? Not a word. The whole of his positive authority for the absence of right of the heirs in possession has thus gone by the board, without an attempt to save it.

The conduct of the family. In one of his opening sentences in his original indictment Mr. Round announced that the assumption of the peerage under consideration originated in a joke. It is of course obvious to every one, whether lawyer or not, that if the statement was true, the burden was at once thrown on the defenders of the peerage to show when the assumption of the title changed its character and became anything else than a joke. He now explains—an extraordinary explanation—that the joke he referred to was the joke retailed in or after 1764 by Lord Hailes, and he stands amazed at my not recognising the fact. My observation is that the fact was unrecognisable in the fiction. The peerage was assumed by the female heir of entail in 1702, and Mr. Round has said that that assumption originated in a joke. Now that he is brought to book, he

¹ Mr. R. complains that I 'persistently ignore' his 'own' points. The word 'contemporary' was Mr. R.'s 'own' here. All the rest was Riddell's.

says he did not mean anything more than that there was a joke made twelve or twenty-five years afterwards, after the coronation of 1714 or of 1727, he does not know which; and that if the lady in a joke seized upon her summons to the coronation as the 'first official recognition of her assumption,' it appears to Mr. Round to be admissible for him to say that the assumption of the peerage had originated in 1702 in a joke. It is most certainly not admissible, and the proof of that is that the statement was essentially and grossly misleading.

The question is, however, settled. Mr. Round no longer asserts that the assumption of the peerage originated in any such way.

Jean, Lady Ruthven. Mr. Round's indictment as concerned her, rested on two propositions: The first of these was her significant delay. He asserted that she did not assume the title till twenty years after her brother's death. I proved that she took it up in twenty months, and in how much less we know not. Mr. Round admits that correction. If I dealt with him as he deals with Douglas, Burke, etc., I should say he 'carefully kept out of sight' the fact that Jean took up the title thus early because it would have been a 'fatal flaw' in his story about her 'significant delay'; - but I think it was done through pure ignorance, the same which is visible in so many other parts of his performance.

The second proposition was the lady's cautious use of the title. Mr. Round stated that the lady had not ventured to assume the title in legal documents, which might, 'even in Scotland,' have been invalidated by her use of a style to which she was not entitled. I produced evidence (pages 57, 58 and 59) that she did style herself a peeress in legal documents.

Mr. Round asserted, in addition, that the lady reverted three times to her designation of Mrs. Jean. But on investigation I found that on each occasion when she did so her conduct was explainable as due to a formality of her lawyers, which did not involve her or their apprehension of the bench, and that on the one occasion, when that explanation was inapplicable, it turns out that she did not revert. Mr. Round replies that I have 'had to admit' that the lady deserted her title on one of these occasions 'as if apprehensive of the scrutiny of the bench.' I leave this to the verdict and sentence of the reader.

The culmination of Mr. Round's proof was the fact that finally Jean was no longer able to keep up the masquerade of

bearing a title of peerage, and that in her last will she deserted it. I showed that she died intestate and that all that was proved was that Mr. Round did not know the meaning of a *testament dativo*.

I may here cite with regard to the case of Jean, what Mr. Maitland Thomson, whose opinion on such a subject carries more weight than any other's, does me the honour to pronounce on my whole proof of the conduct of the family, 'that the accusation 'of *mala fides* founded upon the recorded actions of the early 'holders of the title, is here thoroughly investigated, and triumphantly refuted.' (*S.H.R.* iii. 106.)

Passing by Sir William Cunningham for a moment, who succeeded Jean, I come to : *Isobell, Lady Ruthven*. In her case also, the evidence of consistency appeared to me to be satisfactory. But, says Mr. Round, 'I alleged that more than three years 'after assuming the title she gave up, under the humble name 'of Mrs. Isobell Ruthven, the additional inventory of her Aunt. 'Is this the fact or not?'

The document referred to by Mr. Round is now printed in the Appendix to my pamphlet (p. 77). Mr. Round had professed to quote it. Isobell, he said, had styled herself Mrs. Isobell Ruthven, and her aunt 'ambiguously' as 'Lady Jean Ruthven,' or as plain 'Jean Ruthven.' I took the trouble to examine the document, and discovered that Mr. Round had misquoted it essentially. It had styled Jean throughout as Jean, Lady Ruthven. It was thus an assertion, not a denial of the peerage. How, then, was Isobel 'Mrs. Isobell'? The question seemed to be reasonably answered only in the manner which has already suggested itself to me in the case of Jean. To all this the question just quoted is Mr. Round's sole reply.

Mr. Round alleged that Isobell had vacillated in her assumption so far that, as once she styled her aunt Jean, Lady Jean Ruthven, she styled herself in her own will in the same 'ambiguous' way. I proved that she did neither, and also, that she made no will.

I observe that Mr. Round criticises my statement of sundry dates of documents cited by me in this branch of my proof by adding a laconic '*sic*' to his restatement of them as follows : '4th Jan. 1703 (*sic*),' '26th Jan. 1712 (*sic*).' What is the ground of this criticism? The dates are accurate copies of the originals in each case. Is it possible that Mr. Round means that the dates are incompletely, though not wrongly, stated, that he is

left in ignorance of whether they should be, in the first instance, 1702-3 or 1703-4, and, in the second instance, 1711-12 or 1712-13! For I notice that both dates are between 1st January and 25th March of these years. Mr. Round perhaps is not aware that though this double enumeration was required in England till the year 1751, it had been abolished in Scotland by the year 1600. A very slight acquaintance with Scottish documents of the seventeenth and eighteenth centuries would have brought this to his knowledge.

Sir William Cunynghame. The questions which arise over the case of Sir William Cunynghame are somewhat different from those concerning the other heirs of the Ruthvens. He was nephew, through his mother, to David and Jean, and succeeded Jean in the lands under the entail.

His first step, or that of his lawyers, was naturally to obtain control of his aunt's moveable estate, and he was forthwith appointed her *executor dative*. But he survived her only six months, and died without being served heir either to her or to David, without being seized in the estates, and without having taken up the title.

Mr. Round had only two 'proofs' that Sir William believed that the title did not descend to him.

(1) The terms of his appointment as executor dative to Jean. In this appointment Jean was undoubtedly not accorded her title of peerage, and Sir William did not take it. But Mr. Round's argument that the document is therefore a denial of the survival of the honour is deprived of all force, from the circumstance that if Jean is not styled a peeress, Sir William is not styled a baronet. The document proves nothing or it proves too much. If Sir William did not deny his baronetcy he denied nothing.

Mr. Round has no reply? He simply repeats that Sir William 'made no attempt to assume the title' and that, 'to this we may now add that he gave up his aunt's testament dative as that, not of Jean Lady Ruthven,' but of 'Mrs. Jean Ruthven.'

Here again Mr. Round, as is so usual with him, ignores the existence of an argument, and restates his misleading or controverted statement as if it had been admitted or corroborated.¹

¹ Before passing to Mr. Round's next point, I may observe that Mr. Round affects to quote a passage of mine (from my p. 63), and that, as he has done repeatedly in making quotations, he has omitted an essential part of that passage, and has misrepresented my meaning.

(2) 'Sir William retained his baronetcy title in his own will.' I suggested that he might have said *reverted*, but Mr. Round has not responded, which is as well, as Sir William neither retained nor reverted, for, as I had to point out, this will was our old friend the 'testament dative,' Sir William died intestate, and his designation was the work of his cousin and successor, Isobell, or her agents. I confess, however, that I did not see the full interest of the fact, that at the last, so far as we know, Sir William dropped his baronetcy title, as, naturally, I had not seen Mr. Maitland Thomson's interesting speculation that it marked an intention to assume the peerage.

It seemed incredible that at this date any one should be left who does not know that even if Sir William had left the peerage dormant for the term of a long life, the fact would not have impeached his right. In the circumstances, however, I instanced the much stronger case of the lordship of Somerville, which, as every one knows, was dormant for a hundred years. Surely, exclaims Mr. Round, Mr. Stevenson 'cannot be ignorant that the failure to assume that title was due to a doubt whether it should descend to the heir male or the heirs of line, and that when this doubt was removed by a single person becoming heir in both capacities, he successfully claimed the peerage.' A 'doubt,' when there was an heir male of the body, and no known limitation of the title! I am glad to hear it!

But Mr. Round, I am sorry to say, is again quite wrong on the facts. The two lines of the Somervilles united in the person of the great-grandfather of the claimant. For four generations thereafter the line possessing the rights of heir male and heir general abstained from asserting them. Poverty has hitherto been accepted as the reason why the Somervilles allowed their pretensions to sleep.¹

James Lord Ruthven, son and heir of Isobell. I found that my theory of the practice regarding delay in the adoption of the peerage style is borne out by the case of James, the next peer after Isobel. He is styled James Ruthven of Ruthven as executor of his mother, 'Isobell Lady Ruthven,' and in his service to David his grand uncle, in which service his mother Isobell, and his grand aunt Jean, were styled Isobell Lady Ruthven and Jean Lady Ruthven. Mr. Round's answer to that is that he 'may repeat' from his original article that James gave up his aunt's 'testament dative,' and was also served heir

¹ Maidment, *Peerage Claims*, 92.

to his uncle, David, as 'James Ruthven of Ruthven.' He dilates on the fact that the jury served James as a plain commoner, but he is silent as to the fact that the jury by the same act served this commoner as son and heir of a peeress.

James succeeded in 1732. 'It was not till late in the following year,' says Mr. Round, 'that we find him styling himself (in a private deed) James Lord Ruthven.' I showed that he had already made the most public demonstration then possible to him of his pretensions, by voting at the first election of Peers that had taken place since his succession. I am glad to find that Mr. Maitland Thomson agrees with my conclusion on the conduct of this member of the family also, and that the charge of *mala fides* against him is groundless. (*S.H.R.* iii. 106.)

To print the names of the jury that served James Ruthven of Ruthven as heir-in-special to his grand-uncle David, and styled his mother and his grand-aunt Jean as peeresses, is, as I meant it, a complete refutation of Mr. Round's attempted argument that, as some services have been found to have proceeded on false premises, this service of James Ruthven is to be disregarded. There have been bad judgments of the Court of King's Bench, and we have all read of 'bad Ellenborough law' as well as good. What then?¹

Mr. Maitland Thomson, in his review of my pamphlet, indicated his view that the belief probably entertained by the Ruthven family regarding their peerage right was that it was destined to the heirs of entail. That there is much to be said for that view is already obvious, and, were Mr. Thomson to enter into a further analysis of the facts, I have no doubt that more reason for it would appear. In spite of what Riddell may have said, and Mr. Round may have believed, there is, of course, nothing in law to render Mr. Thomson's theory impossible.

As I stated, however, at the opening and close of my pamphlet, the task of shewing what the terms of the unknown patent actually were was no part of my undertaking in that particular controversy. Mr. Round appears to think that he is entitled to call for a statement from the 'champions' of the peerage. I, personally, do not think that he is. If he has

¹ Services of the 18th century have been received by the House of Lords, as in the Airth peerage proceedings, 1871, as evidence of considerable weight.

assumed the role of assailant, and failed to produce a *prima facie* case, what concern to him is the nature of the peerage? As for myself, a mere critic of Mr. Round's success in making out his case, I am not required to have any theories about the peerage. All I say is that it has once lived, and that it has not been shewn to be dead.

What use would Mr. Round make of a theory if an 'apologist' of the assumption of the peerage presented him with one? Mr. Maitland Thomson, an entirely independent critic, not addressing Mr. Round in particular, advanced one theory. What use does Mr. Round make of it? He immediately tramples it under feet and turns to rend Mr. Thomson with a fallacy. This is a characteristic specimen of the method of the vicious circle, and it is not good manners.

At the close of my pamphlet I expressed my conclusion, in terms which need not be repeated here, that Mr. Round had entirely failed to prove his case. At the close of his Reply to that pamphlet I find my conclusion only strengthened. Mr. Round has now admitted such important facts to be fictions, has abandoned so much of his argument, to say nothing of the whole of his authorities for the actual limitation of the patent, that even if he had succeeded in doing away with the weighty authority of the Official Rolls which are against him, he would have had nothing to found his case upon. By dint of an oblivion both of facts and of logic, Mr. Round accomplishes the figures of a series of successful arguments on selected points; but he has not rehabilitated the case with which he set out, which was to prove that the peerage was not destined to the present line.¹

J. H. STEVENSON.

¹I have noticed that parts of Mr. Round's argument are eiked out by the indications which he sees of my 'annoyance,' 'wrath,' and even 'wild indignation,' etc., etc., at his insinuations. To these elements of his Reply I pay no attention, as the indications which he so frequently sees may be purely subjective. For I observe that Mr. Maitland Thomson, speaking of the same treatise in which Mr. Round finds such various emotions, announces that 'Mr. Stevenson not only supplies a necessary corrective to his predecessors; 'his work is distinctly more judicial than theirs' (*S.H.R.* iii. 105). So much do things go by comparatives.

Reviews of Books

THE LIFE OF JAMES ANTHONY FROUDE. By Herbert Paul. Pp. ix, 454. Demy 8vo. London: Pitman, 1905. 16s. nett.

AT the death of Mr. Froude in 1894 it was announced that he had given injunctions that his personal papers should be destroyed and that no authorised biography of him should be written. Mr. Paul's book, therefore, is not based on original documents, nor does it contain any revelations fitted to agitate the world as did Froude's own memorable *Life of Carlyle*. But, if not an 'authorised' biography such as Froude prohibited, Mr. Paul's book has at least been written from trustworthy sources so far as they were accessible; the accuracy of his narrative is guaranteed by the best authority; and he gives a few unpublished letters which, if not of a sensational character, have the interest of most things that came from Froude's hand. The result is a book eminently readable, at once from the interest of its subject and from Mr. Paul's own manner of treatment. It is a book, moreover, which Froude himself would have approved—approved both for its sympathetic appreciation of his own character and work and for the style in which it is written. Mr. Paul is always lucid, always trenchant, and as uncompromising in the expression of his opinions as Froude himself in his most militant humour.

The biographical portion of Mr. Paul's book which will be read with the greatest interest is his account of Froude's boyhood and of his early surroundings. From Canon Mozley's *Reminiscences* it appeared that Froude's early years were unhappy, but Mr. Paul has added further details that tell a tale of harshness and petty tyranny which should not be forgotten in any estimate of Froude in his later years. His father, Archdeacon Froude, never understood him, and persisted in regarding him as a discredit to the family till the opinion of the world partly convinced him that he was mistaken. But it was from his elder brother, Hurrell, subsequently the ally of Newman in his attempt to de-Protestantise the Church of England, that Anthony had most to endure. Mr. Paul thus describes the means which Hurrell took to educate his younger brother. 'Conceiving that the child wanted spirit, Hurrell once took him by the heels, and stirred with his head the mud at the bottom of a stream. Another time he threw him into deep water out of a boat to make him manly' (p. 8). Sent to Westminster at the age of twelve, Anthony found himself even more unhappy than at home—bullied by the boys, censured by the master, ill-fed, and in bad health besides. Recalled from this 'den of horrors,' as Mr. Paul in his

emphatic way describes the historic school, the boy returned to a home that was little of a home to him. That he was there at all was considered a disgrace to the family, and he was even accused of having pawned his books and clothes which had really been filched by his schoolmates. Such was the uncongenial atmosphere in which Froude spent his early years, and, though Mr. Paul does not make the inference, these years must partly explain that undertone of bitterness and cynicism which is seldom absent from anything that Froude wrote.

The least satisfactory portions of Mr. Paul's biography are those which deal with those critical years in Froude's career when for a time he came under the spell of Newman, then broke with him, and finally learned from Carlyle the gospel that was to serve him to the end of his life. It is during these years that Froude's essential characteristics are most fully revealed, and, with the materials at his disposal, we feel that Mr. Paul might have probed more deeply than he has done. To what extent was Froude really under the influence of Newman during his brief association with him? According to Froude's own testimony in his later years his attitude towards Newman was always more or less critical, but, on the other hand, in his contributions to the *Lives of the Saints* he shows a sympathy with the spirit and aims of the Tractarian movement which must have been entirely to Newman's satisfaction. Nor does Mr. Paul sufficiently emphasise the period of moral collapse which followed Froude's break with Newman—his break, indeed, with historic Christianity. To this period belong Froude's tales—*Shadows of the Clouds* and the *Nemesis of Faith*, productions written in a time of mental and moral strain, but which reveal the permanent strata of the writer's nature. Nor, again, does Mr. Paul bring out with adequate fulness the debt which Froude owed to Carlyle—a debt which Froude himself ungrudgingly acknowledged at every period of his later life. There is, indeed, hardly another instance in literary history of a writer of Froude's force so completely enduing himself in another man's garments. The governing ideas that henceforth determined his life and achievement were all those of Carlyle, set forth in very different language from that of his oracle, but with a force of conviction that gave them an individual stamp.

The longest chapter in Mr. Paul's book is that devoted to the defence of Froude against Freeman—perhaps a work of supererogation at this time of day. The persecution of Freeman was a painful experience in Froude's life and is an unhappy chapter in literary history, but the respective merits of assailant and victim have been judged by the world, and it is perhaps as well that the feud should be forgotten. What Mr. Paul makes unhappily too plain is that the persistent and petty attacks of Freeman were not so much inspired by any disinterested love of truth as by a blind fury of personal dislike that almost justifies Matthew Arnold's description of him as a 'grotesque and ferocious pedant.' In Mr. Paul's own opinion the 'besetting sin' of Froude was 'love of paradox' (p. 75), but it is perhaps nearer the truth to say that love of effect accounts for most of the shortcomings with which he has been charged. Whether he is stating opinions or facts, we feel that the note is constantly strained: the Regent Moray is

'stainless,' Queen Mary is a pantheress, and so with all the characters he likes or dislikes—Henry VIII., Thomas Cromwell, Julius Caesar, Carlyle, whose natural traits he exaggerates beyond recognition. But the general tone of Mr. Paul is not that of carping or even of friendly criticism: his admiration of Froude's merits as a writer is so great, he personally owes to him so large a debt of pleasure, that, as a genuine lover of literature, he deems it ungrateful to insist on the shortcomings of one who has given the world so much that is a permanent source of enjoyment. And with his general estimate comparatively few will be disposed to disagree, for only blind prejudice could gainsay that Froude wrote history as few have written it, and that his abiding purpose was to say the truth as it had been delivered to him.

P. HUME BROWN.

THE SCOTTISH PARLIAMENT: ITS CONSTITUTION AND PROCEDURE, 1603-1707; WITH AN APPENDIX OF DOCUMENTS. By Charles Sanford Terry, M.A., Burnett-Fletcher Professor of History in the University of Aberdeen. Pp. x, 228. Demy 8vo. Glasgow: James MacLehose & Sons. 1905. 10s. nett.

MR. TERRY's industry is unflagging and most commendable: it seems only the other day that his *Life of Claverhouse* was noticed in these pages, and now we have another volume from his pen which forms an important contribution to the constitutional history of Scotland. No previous writer has attempted to deal with the development and functions of the Scottish Parliament in anything like detail, though we must not forget the chapter which Cosmo Innes wrote, with his usual charm of style, in his book on legal antiquities. He, however, attempted to sketch the history of the Parliament from the earliest times: Mr. Terry confines himself to the century before the Union. And indeed before the year in which James succeeded to the English throne there is little to tell in the way either of Parliamentary constitution or procedure. The right of representation enjoyed by both counties and burghs was looked upon more as a burden than a privilege: many of them did not take the trouble to send a representative at all, and the members who were returned found that their duty practically consisted in attending the opening of Parliament, electing a committee called the Lords of the Articles, or in many cases accepting the nominees of the Crown for that committee, and after a more or less lengthy interval attending the closing of Parliament and ratifying what had been decided upon by the committee. But for by far the greater part of its existence there was no debating, no interchange of opinions between the members. And this state of matters was not in the least considered a grievance: in was, on the contrary, accepted with placid acquiescence and looked upon as the most natural and comfortable way of doing business.

It was not till well on in the seventeenth century that this system received a check. In 1640 an Act was passed which abolished the Lords of the Articles as a standing legislative committee, and enabled

committees of the House to be appointed which had no power to initiate legislation, but were charged solely with the duty of considering specific matters remitted to them. This alteration was due not so much, as the author points out, to any general development of constitutional ideals as to the fact that the clergy were no longer one of the Estates of Parliament. The custom which had obtained for a considerable period before 1640 was for the nobility to elect the clerical members of the Committee for the Articles and for the clergy to elect the peerage members, and both these estates elected conjointly the representatives of the shires and burghs. In 1639 it was known that the Crown intended to step in in place of the clergy, but this raised protests from all the other estates, and the ultimate issue was the passing of the Act of 1640, which provided that it should be competent for future Parliaments to choose or not to choose Committees for Articles as they might think expedient. Practically, it abolished the Committee of the Articles and substituted in its place small committees which had only to consider questions specially remitted to them by the House itself. No more drastic innovation on the procedure of Parliament had ever been produced, and while it lasted the Legislature was never freer in the exercise of its duties. Unfortunately it did not last, and at the Restoration the 'Articles' were again re-established and the clergy and nobility, through their representatives whom they had mutually elected, nominated the sixteen barons and burgesses who were to serve on the committee. This was a step backward, and it was not till 1689, after the Revolution Settlement, that the Articles disappeared for ever and committees were elected by the votes of the whole House, while officers of State, while they might attend the meetings of the committees, had no voting power in them.

We have mentioned the Committee for the Articles somewhat in detail because in reality its rise and progress, decline and fall, make up a large part of the history of the Scots Parliament. Freed from its incubus, Professor Terry shows that Parliament advanced rapidly in the direction of constitutional power and development of debate. He is of opinion that by the time it came to an end at the Union it had brought itself to a reasonable level of procedure with the English Parliament of the day, but points out the fact that it did not secure for itself the respect, popularity, and authority of its English contemporary. This arose from the fact that the abiding interests of the Scottish nation were non-secular, and that it was to the General Assembly of the Church, rather than to Parliament, that it looked for light and leading. It is a pity that for so long circumstances prevented its development as a truly representative assembly, and that just when it was beginning to show signs of becoming a potent factor in the evolution of the country the 'end of an auld sang' came, and it ceased to exist.

Professor Terry has written a sound and scholarly work which should be a valuable mine of information to students of Scottish history.

J. BALFOUR PAUL.

A HISTORY OF ENGLAND IN SIX VOLUMES : General Editor, C. W. C. Oman, M.A. Vol. IV. ENGLAND UNDER THE TUDORS. By Arthur D. Innes, sometime Scholar of Oriel College, Oxford. With Maps and Appendices. Pages xx, 482. Demy 8vo. London : Methuen & Co. 1905. 10s. 6d. nett.

HENRY VIII. By A. F. Pollard, M.A., Professor of Constitutional History at University College, London. New Edition, with Portrait. Pages xii, 470. Cr. 8vo. London : Longmans, Green & Co. 1905. 8s. 6d. nett.

It cannot be questioned that the period of the Tudor sovereigns is maintaining a pre-eminence as the favourite period of English history if we judge of the demand from the quantity of the supply. This may be considered a blessing or the reverse, according to the temper of the reader. If much attention is devoted to the Tudors, the cause may be to some extent ascribed to the vast mass of new material that has been brought within reach of students in recent years. As there is no finality in history, every fresh accession of evidence necessitates a revisal of the old verdicts. The process of our enlightenment is going on perhaps with more activity in relation to the sixteenth century than to any other period of equal length in our national history. The labours of the scholars working under the direction of the Master of the Rolls have achieved enormous results in the Calendars of State Papers at home and abroad. This work has been supplemented by the publications of the Historical Manuscripts Commission, the Camden and kindred Societies. Mr. Pollard bemoans the wealth of documentary evidence available for the reign of Henry VIII., and in a lesser degree the same feeling might be entertained for the reigns of the rest of the Tudor sovereigns. The series of Letters and Papers of Henry VIII. previous to 1544 comprises a summary of thirty or forty thousand documents in twenty thousand closely printed pages, which, when taken with the materials gathered from other sources, places at the disposal of students at least a million definite facts about a period of some thirty-five years. It is useless for Midas to quarrel with a situation of his own creation : the gods themselves cannot take back their gifts. There is little doubt that Mr. Innes has hit upon the true explanation of this superabundance of material. The Tudors were the instruments of gigantic revolutions : the dynasty covered a period of unprecedented intellectual activity and great national development. It was inevitable that a period of this kind, coming so near our own, should have produced a wealth of documentary history, and fortunate it is for us that so much of it has been preserved. It is the glory as it is the danger of the modern student to assimilate this wealth and reproduce it in a well-ordered and intelligible narrative.

A new edition of *Henry VIII.* in cheap and handy form could not have been long delayed. The sumptuous monographs of the English Historical Series, published with illustrations by Messrs. Goupil & Co. during the past dozen years, are within reach only of the few persons with ample means. In the present enlarged re-issue of the letterpress,

it may be anticipated that the volume by Mr. Pollard will attain a wider circulation and a not less intelligent appreciation. Few sovereigns have attracted more attention than the 'majestic lord who broke the bonds of Rome.' It is notoriously difficult to hold an even balance between rival estimates of his person and policy, like those, for instance, of Nicholas Sander on the one side and Froude on the other, but no reader of *Henry VIII.* can justly accuse its author of ecclesiastical bias. Nor does he claim to have said the last word on the subject of his memoir. 'Dogmatism,' he tells us, 'is merely the result of ignorance : and no honest historian will pretend to have mastered all the facts, accurately weighed all the evidence, or pronounced a final judgment,' a due appreciation of the difficulties which beset a delineation of the life and character of an exceptional personage playing a large part on the world's stage.

The task of Mr. Innes was more concerned with writing the history of a period than with the illustration of a character. It is not many weeks since we pointed out the excellence of one of the volumes of *A History of England*, edited by Professor Oman, and the volume now before us forms the fourth in the series of six. Mr. Innes possesses the same masterly grasp of the evidences, the same critical ability, and the same independence of judgment manifest on almost every page of the previous volume. In some episodes of his narrative he has perhaps laid himself open to objection from an indifference to detail and from a little too much self-confidence about his knowledge of the facts. He is quite certain, for example, that 'the English victory' at Flodden 'was not one of the bow, as so often before, but of the bill or axe against the spears in which the northern nation trusted.' The poet Skelton was much nearer the truth when he ascribed the cutting of 'the flowers of the forest' to an effective combination of both weapons. Nor is he clear about his topography of the fight in 1542, commonly called the Battle of Solway Moss. The contest was decided on the plain south of Esk, in the region of what is now the village of Longtown, a land which was never debatable. The swollen river was the first obstacle encountered by the fugitives, the salmon pools of which claimed a tithe of routed Scots. The morass between Esk and Sark, to which the Ordnance Survey gives the name of Solway Moss, and which it makes the scene of the battle, was only the trap into which the flying squadrons had fallen. On the other hand, Mr. Innes has doubts whether the comperts of the visitors of the monasteries in 1536-7 were laid before Parliament. All that may be said in this connexion is that if a perusal of the Act of Suppression does not convince him, without the help of the other evidence, his scruples are somewhat difficult to overcome.

The volume is furnished with a short pedigree of the descendants of Edward III., some appendices on contemporary rulers, genealogies of Lennox Stewarts, Howards, Boleyns, the houses of Habsburg, Valois, Bourbon, Guise, the claimants to the English throne, and a bibliography of authorities ancient and modern. The maps are valuable, one of which is a pen sketch of the campaign of Flodden, showing the circuitous route

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taken by the Earl of Surrey. The aim of the whole work has been well maintained by Mr. Innes in the period allotted to him, for he has produced a text-book of a high order—scholarly, attractive, complete, and useful.

JAMES WILSON.

SCOTLAND AND THE UNION. A History of Scotland from 1695 to 1747. By William Law Mathieson. Pp. xiii, 387. Demy 8vo. Glasgow : James MacLehose & Sons, 1905. 10s. 6d. nett.

THREE years ago Mr. Mathieson set himself at a bound among the foremost of modern historians of Scotland upon the publication of his *Politics and Religion in Scotland from 1550 to 1695*. The present work is a continuation 'on a broader and more comprehensive plan' of its predecessor, and aims at providing 'a history of Scotland during the period.' Dealing with the period, 'which may be distinguished as that of the origin, the accomplishment, and the consolidation of the Union,' Mr. Mathieson, under his more comprehensive plan, has been compelled to follow in considerable detail the history of an episode which has been treated exhaustively elsewhere, and must inevitably be dealt with again in the forthcoming volumes of Dr. Hume Brown and Mr. Lang's *Histories*. What one valued in Mr. Mathieson's earlier work was the fact that it was an exegesis rather than a narrative, a most illuminating expounding of familiar facts from a fresh and detached point of view. By 'broadening' his narrative, and by making it 'more comprehensive,' does he not fail to fill his own distinctive niche?

But, apart from the question of treatment, Mr. Mathieson's new volume will certainly sustain his already high reputation. Of particular interest and value is his handling of the ecclesiastical and economic aspects of the period, and his Introduction—a broad treatment of the ecclesiastical developments of the seventeenth century—is a very model of conciseness, suggestive and illuminating. Nowhere else, in similar compass, will the student find a better and clearer guide to the intricacies of an intricate period. Mr. Mathieson's announced intention to deal with the social changes, the literature, and the philosophy of the period 1695 to 1747 in another volume will be welcomed by everyone who has the interests of Scottish History at heart.

C. SANFORD TERRY.

LECTURES ON EARLY ENGLISH HISTORY. By William Stubbs, D.D., edited by Arthur Hassall, M.A. Pp. vi, 391. Demy 8vo. London : Longmans, 1906. 12s. 6d. nett.

THE POLITICAL HISTORY OF ENGLAND FROM THE EARLIEST TIMES TO THE NORMAN CONQUEST. By Thomas Hodgkin, Litt.D. Vol. I. Pp. xxi, 528. Demy 8vo. London : Longmans, Green & Co. 1906. 7s. 6d. nett.

THESE two volumes, published almost simultaneously and both treating of the formative periods of English history, suggest interesting points of comparison and contrast. Any book that bears the name of Bishop Stubbs is certain of a hearty welcome and a careful hearing. When the greatest

English historian of last century accepted the see of Chester in 1884, his historical labours were practically at an end ; but Mr. Hassall, since the bishop's death, has been a diligent gleaner among the drafts of his lectures and other unpublished papers. Acting scrupulously on the motto that 'the king's chaff is as good as other people's corn,' Mr. Hassall has here published, apparently word for word, without addition, comment, or reservation, a somewhat heterogeneous collection of those lectures with which Dr. Stubbs instructed a bygone generation of students, admirably suited alike in style and substance to the time and purpose for which they were delivered, but obviously never intended for publication in their present form, and superseded to a great extent by the researches of the last twenty or thirty years.

The public is thus introduced, unannounced as it were, to an amiable and chatty Regius Professor, lecturing in the privacy of his own classroom, untroubled by suspicion of the prying eyes of a remote posterity, explaining at the commencement of his course that he does not 'feel convivial, or at home, and certainly not majestic' (p. 40), and later on regretting that 'both the class and the subject are becoming very much attenuated' (p. 175). The picture is an entirely pleasant one ; yet probably the most enthusiastic of Bishop Stubbs' hero-worshippers would not have seriously blamed Mr. Hassall for omitting utterances of such purely temporary interest.

The title 'Early English History' is hardly applicable to the last half of the volume, which is devoted to the comparative constitutional history of medieval Europe, and founded, to a great extent, on the researches of Hallam. Teachers of history will read with interest the lectures numbered III. to VIII., containing a free-and-easy commentary on some of the leading documents of the *Select Charters*. Younger students, however, must exercise great care in their perusal, since many of the positions still tenable in 1880-4 (presumably the date of these lectures) have now been completely overturned, while no word of warning has been vouchsafed by the editor in places where supplement is needed, beyond the addition at the close of each essay of the names of a few of the more important among recent authorities. The reader will accordingly find here many obsolete theories which Bishop Stubbs assuredly would never willingly have published at the present day : the exploded theories of the 'mark' and 'folcland' (discarded, not without some apparent reluctance, in the later editions of the *Constitutional History*) here appear in their crudest forms (pp. 6, 7, and 311) ; 'borough English' is connected with burgage tenure (pp. 26-7) ; the Conqueror is credited with a revenue of £1060 a day (p. 29) ; the husting of London forms 'the collective court of the citizens' (p. 127) ; Henry II. confirms his grandfather's concessions to the city of London (p. 128) ; Magna Carta is 'signed' not sealed by John (p. 345), and is made to enshrine trial by jury (p. 342). It is notable, by the way, that these lectures, like the *Constitutional History* itself, while deriving copious illustrations from almost every country on the continent of Europe, show practically no interest in the peculiarities of the Scottish constitution.

While everything that Bishop Stubbs has written commands the respectful attention of scholars, little of importance would have been lost if Mr. Hassall had interpreted his editorial duties more liberally, and used the pruning hook more freely. The lectures add little to those views of early England with which Dr. Stubbs' great *Constitutional History* has familiarised us. What the present generation of students urgently require is a new edition of that work, supplementing its conclusions in the light of modern research.

In some important respects Dr. Hodgkin's volume supplies, for the early centuries, the supplement that students require. The author is thoroughly conversant with the trend of recent speculations affecting the wide but difficult period of which he treats; and where he refuses to follow blindly the most recent guides, it is clearly not from lack of knowledge. His volume suffers from two defects, for which he is not responsible: the decision of the editors of the series of 'Political Histories' to which this volume belongs has forbidden the addition of foot-notes in which authorities might be cited; while a somewhat arbitrary restriction is imposed by the title of the series. The scope of 'political history,' indeed, is not defined by the editors; but, from internal evidence contained in this volume and its companions, it would appear that 'political' history is more concerned with military and international affairs than with methods of government or the growth of institutions—a strange use of the word 'politics,' when it is realised how inseparably political science and constitutional theory are related.

The particular task allotted to Dr. Hodgkin by the editors was a difficult one, demanding perhaps a more nicely balanced judgment and a more varied equipment than any one of its eleven companion volumes; and Dr. Hodgkin seems to us to have amply justified his selection. He has produced a readable and scholarly book, well fitted to maintain the high standard set in the volumes that have preceded it. Many and varied were the vicissitudes through which our island passed between that early morning of August 27, B.C. 55, when Caesar's soldiers first caught sight of the white cliffs of Kent, until the fatal day of October, 1066, when William of Normandy planted his standard on the spot from which Harold's banner had fallen. The materials at the disposal of the historian of the intervening centuries, broken and tantalising as they often are, are yet almost as varied as the events to which they relate. Sound judgment in selecting and rejecting is here urgently required, along with a due sense of proportion and a stern will to suppress whatever is not essential to the main thread of the story. No little skill is required to weave the miscellaneous materials thus selected into a coherent, lucid, and interesting whole. Dr. Hodgkin has shown himself possessed of the necessary qualifications, and has produced a work distinguished by breadth of outlook and by a keen appreciation of all matters of human interest lurking in the most unpromising of historical documents. The search for modern instances, indeed, has sometimes been carried almost to excess: Aidan is compared with Francis of Assisi, Wilfrid with Loyola, while Columba is 'the John Wesley of the 6th century,' and Degsastan is 'the Flodden

of the 7th century'; a Killiecrankie of the 8th century is referred to, while Nansens, Franklins, Talleyrands and Sunderlands are discovered in abundance in the 9th; the fall of the Roman city of Camulodunum is a reminder of the Indian Mutiny, and the arrow-flights at Hastings, of the deadly musketry of the Boers at Majuba Hill. A characteristic note of moderation, however, runs through the book; the author identifies himself neither with the extreme partisans of the theory of Teutonic origins, nor with those who postulate the continuing influence of Roman civilisation. The same quality is shown in the treatment of such thorny problems as the functions of the Witan, which, as he cleverly and rightly tells us, 'are better learned by watching the course of national history than from any attempt to frame a definition of that which was essentially vague, fluctuating, and incoherent' (p. 232). The passages dealing with the early relations of Scotland and England are equally fair-minded. The arguments on both sides are clearly stated; but Dr. Hodgkin makes no reference to a conscientious monograph which deserves to be better known in this country, namely, *Feudal Relations between the Kings of England and Scotland*, by Mr. C. T. Wyckoff, a writer who, from his American nationality, is better fitted than either Englishman or Scotsman to act as an impartial judge. Scholars need not expect to find in this volume any new sources of historical information, or to derive from it any specially original theories; but they will be rewarded for the pleasant labour of perusal by a fresh and well-proportioned presentment of an intricate period of history, and they can hardly fail to profit from a new survey of familiar ground under the guidance of so cultured and interesting a companion.

The general reader will find here exactly what he wants—the story of eleven momentous centuries told in vigorous and straightforward English, embodied in a narrative which is always readable, and never overburdened with unnecessary details.

WM. S. McKECHNIE.

THE POLITICAL HISTORY OF ENGLAND FROM THE ACCESSION OF GEORGE III. TO THE CLOSE OF PITT'S FIRST ADMINISTRATION (1760-1801). By William Hunt, M.A., D.Litt., President of the Royal Historical Society. Vol. X. Pp. xviii, 495. Demy 8vo. London: Longmans, Green & Co. 1905. 7s. 6d. nett.

THIS volume is number ten of a series of twelve in which the political history of England will be dealt with. The prefatory notice states 'that as the life of the nation is complex and its condition at any time cannot be understood without taking into account the various forces acting upon it, notices of religious matters and of intellectual, social and economic progress' will also be dealt with by the writers. The volume which we are considering makes its appearance not inappropriately just 100 years after the death of Pitt, and it deals with a period covering some forty-one years of that life which ended only too soon at the early age of forty-seven. Few periods in the history of any country can equal in importance this stimulating era. And when the vast changes which it had in store for England, as dealt with by Dr. Hunt, are adequately

considered, one feels indeed that the times were spacious, and that England, exposed to the most critical influences both at home and abroad, emerged after what Lord Rosebery has called the 'convulsion of a new birth' into what may truly be termed modern times. The vital changes which were wrought in those forty years affected the country internally as well as in her status as an international power, and no less in relation to her colonial possessions. Internally they included the growth of the privileges of parliament, the rise of the Cabinet, 'a government within a government'; the decay of the personal power of the sovereign, or, as Dr. Hunt calls it, 'The King's Rule,' in affairs of government; the enormous increase of trade and manufactures, the dawn of labour combinations, the union by act of Parliament of Great Britain and Ireland, and the publication of Adam Smith's *Wealth of Nations*. Abroad England was called upon to deal with the problem of taxation in her American colonies, their subsequent revolt and final separation, with the affairs of the East India Company and the growth of Parliamentary interference therewith. Added to all this there was the unrest and reaction of the French Revolution and the struggle with France on sea and land—a great age, truly, abounding in great names. Pitt follows Chatham, Rodney and Wolfe give way to Nelson and Wellington, and as Thackeray puts it in his lectures on *The Four Georges*, 'Napoleon is to be but an episode, and George III. is to be alive through all these varied changes, to accompany his people through all these revolutions of thought, government, society: to survive out of the old world into ours.'

Dr. Hunt deals very clearly with two movements of the first importance which characterise the period we are considering: the one, the personal political predominance of the king, and the other the gradual rise and growth of that interesting constitutional anomaly, namely, the Cabinet. The real balance of power, as he points out, was not to be found in either of the Houses of Parliament, but in the Crown. The Princess Augusta imbued her son with extensive notions of kingly prerogative, and her reiterated advice, 'George, be a king,' was further instilled into his Royal pupil by the Earl of Bute.

The King's personal character, resolution, and capacity for intrigue, it may be safely surmised, enabled him to pursue this line of action with comparatively little serious difficulty until the failures of the American War.

The growth of the Cabinet as a 'homogeneous body collectively responsible to Parliament' is a study of deep interest, and we are indebted to Dr. Hunt for the lucid manner in which he has dealt with this highly important subject. The rise of the Cabinet as we know it to-day can be traced to no alteration of the law, nevertheless its constitutional status is determined beyond all dispute. Dr. Rudolf von Gneist in his *History of the British Parliament* has pointed out that the main reason for its existence is to be found in the necessary unity of action in dealing with the political and commercial relations of the British Empire, which can only be reached by forming the ministerial council from men who were mainly at one as to the principal measures of the government for the time

being and who had secured or were in a position to secure a majority in both Houses in favour of such measures.

Sincere praise is due to Dr. W. Hunt and his colleagues for the decision to treat English history from the point of view of periods chosen with reason and sound judgment, and in the particular instance under review the result is eminently satisfactory. A severe critic might perhaps be forgiven for wishing for a more picturesque presentment so far as style is concerned ; but for lucid, accurate, and copious treatment, Dr. Hunt's work is worthy of high praise, and he has made all students of their country's history his grateful and cordial debtors. PERCY CORDER.

LES PRISONNIERS ÉCOSSAIS DU MONT SAINT MICHEL (EN NORMANDIE) AU XVI^e SIECLE.

UN historien normand, Charles de Bourgueville, qui vivait au seizième siècle, rapporte dans ses *Memoires* que, vers 1548, 'trois gentilshommes écossais qui avaient tué le Cardinal Dauid, au Château de Saint André en Ecosse, furent enfermés par l'ordre du roi au Mont Saint Michel.' Il raconte que ces Écossais réussirent à s'évader ; qu'une enquête fut ordonnée, qu'elle fut faite par le bailli de Caen et que le capitaine gouverneur du Mont Saint Michel, responsable par sa négligence de cette évasion, fut destitué de sa charge.

Nous savons par les historiens écossais¹ que Norman Lesley, Lord Pittmillie et Lord of Grange furent d'abord convoyés à Cherbourg et, de là, internés au Mont Saint Michel ; mais voici la copie authentique, très intéressante, nous semble-t-il pour l'histoire de l'Ecosse, de documents trouvés dans les archives des Tabellions de Cherbourg, année 1547, et qui, incontestablement, s'appliquent bien aux réformateurs écossais :

'Le VII Décembre à Cherbourg, devant Jehan Guiffart et Jehan Le Vallois, tabellions et notaires commis et establis au siège de Cherbourg pour le Roy, furent présents nobles hommes Jehan de Fontaynes, seigneur de la Faye, homme d'armes de la garnison du dict lieu de Cherbourg (suit l'énumération, sans intérêt, de plusieurs hommes d'armes), lesquels nous ont certifié et attesté que le VI^e jour d'octobre, dernier passé, fut bailli par les Seigneurs Gouverneurs généraux de Rouen et mit en la saisigne et garde de noble homme, Janot de Lasne, lieutenant en la dicte ville et Chasteau de Cherbourg, troyz gentilshommes écossais, sçavoir : *Nirmont Lessetey*, cappitaine du Chasteau de Saint André, *Millort de Granges* et le Seigneur de *Petit Mel*, suyvant le commandement et vouloyr du Roy, nostre d. seigneur, dont nous a esté requis ce présent certificat pour servir et valloir qu'il appartiendra. Présents pour témoins Thierry de Goberville, escuier et Jullien Fouoche de la Garnison.'

Une annotation sur ce même registre dit : 'Les prisonniers furent envoyés par le Roy au Mont Saint Michel, où ils ont esté prisonniers virons des ans. Comme du Mont Saint Michel eschappèrent, dont le capitaine du lieu eut bien affaire.'

¹ *Kirkcaldy of Grange*, by Louis Barbé, pp. 41-42.

Aucun doute n'est donc possible sur l'identité des prisonniers écossais, enfermés au Mont et que ne citait point l'historien de Bourgueville.

Nirmont Lessetay n'est autre que *Norman Lesseley*, Millort de Granges, *Kirkcaldy of Grange* et le Seigneur de Petit Mel *Pitmillie*. Cette altération dans l'orthographe des noms est très fréquente quand il s'agit de transcrire en France des noms propres étrangers.

ETIENNE DUPONT.

SELECT DOCUMENTS ILLUSTRATIVE OF THE HISTORY OF THE FRENCH REVOLUTION. THE CONSTITUENT ASSEMBLY. Edited by L. G. Wickham Legg, M.A., New College. 2 vols. Pp. xxii, 632. Crown 8vo. Oxford: at the Clarendon Press. 1905. 12s. nett.

No better companion to a good secondary history of the first two and a half years of the French Revolution could be put into the hands of a reader than these volumes. Extracts from contemporary documents do not and cannot give an adequate account of any event, but they are invaluable in transporting the reader into the atmosphere of their own day and in representing accurately the phases of popular opinion. It has been Mr. Legg's aim to represent the 'opinion of the ordinary person,' and to this end he has selected his extracts mainly from the most influential contemporary journals. But he has not confined himself to the eight or nine great newspapers of the period, and has chosen many extracts from papers quite unknown to the general reader and not often consulted by the student. In an excellent introduction Mr. Legg gives an account of the journals from which he quotes, indicating their political and historical value.

The two volumes now published cover the period from the opening of the States-General in May, 1789, to the dissolving of the Constituent Assembly on September 30, 1791, and the documents selected divide themselves—although not formally divided—into two classes: one relating to the events and the other to the constitutional changes comprised in that period. It is in respect to these last that Mr. Legg earns the student's deepest gratitude.

The first National or Constituent Assembly had before it one main object, the making of a Constitution for France. By reprinting decrees, resolutions, and the opinions of the press concerning these, Mr. Legg enables the student to follow the progress of this work, and in his connecting paragraphs and notes he gives an immense amount of definite information on exactly those points which a general history is apt to leave obscure or untouched. To this he adds an appendix in which he gives the full text of the Constitution of 1791, and of the decrees most important to the early history of the Revolution; that is, those on the municipal and local administrations, on the civil constitution of the clergy, on the judicial reforms, and on the organisation of the ministry.

A very useful feature of these volumes is the reference to further authorities given in the connecting paragraphs. There are, however, several points on which fuller references might well have been made,

as for example to the documents in the Bibliothèque Carnavalet on the organisation of the National Guard.

Where so much has been given it may seem invidious to complain of Mr. Legg's rejection—from considerations of space—of contemporary pamphlets. But their omission (with two exceptions) leaves unnoticed the political lampoons, and those travesties of the liturgy which represent popular opinion in so piquant a manner; the pamphlets also often give a more graphic account of an incident than do the newspapers. Perhaps in the volumes which will surely follow these, Mr. Legg may see his way to represent these sources of contemporary opinion more fully.

SOPHIA H. MACLEHOSE.

THE PEDIGREE OF HUNTER OF ABBOTSHILL AND BARJARG, AND CADET FAMILIES—HUNTER OF BONNYTOUN AND DOONHOLM, HUNTER-BLAIR OF BLAIRQUHAN, HUNTER OF AUCHTERARDER, HUNTER OF THURSTON. Compiled by Andrew Alexander Hunter. Pp. vii, 47. Demy 4to. With numerous illustrations. London: Elliot Stock. 1905. 30s. nett.

THOUGH in his preface the author handles a long-standing tradition that the families of whom he treats are descended from the family of Hunter of Hunterston, he unfortunately is unable to adduce any evidence to prove this tradition more reliable than others of its kind. The work has been compiled on sound lines, and we note with pleasure the lists of family portraits and of their present owners, as also the plates reproducing many of these portraits representative of each family. Views of mansions of the families are introduced, and there is careful blazonry of their arms. But though the scheme of the work is excellent, the work itself, as a whole, does not meet so well with our approval. The list of authorities which the author cites in his preface is meagre in extreme, and not sufficient to warrant the genealogist to place reliance on his statements without further verification. Particular references are almost entirely ignored. The book is overladen with reproductions of patents and matriculations of arms which, so long as the Lyon register exists, serve no useful purpose. In various passages also, the composition is at fault. With all its shortcomings, however, the book contains a great deal of information about the various families of Hunter, the pedigree charts are carefully executed, and in the text the descents of the families lucidly traced.

ALEXR. O. CURLE.

THE FRONDE (the Stanhope Essay, 1905), by George Stuart Gordon, Oriel College, Oxford. Pp. vi, 67. Cr. 8vo. Oxford: B. H. Blackwell, 1905. 2s. 6d. nett.

THE tragi-comedy of the Fronde, which may be said to be composed of two acts, or four scenes, preceded by the short prologue of the 'Cabale des Importants,' has attracted the pen of many writers, and it needs no little skill to sum up the results of those labours within the compass of sixty odd pages. It must be acknowledged at once that the

skill needed is present in the essay under review. The writer has mastered many authorities, from the contemporary memoirs and documents to the most recent researches, from de Retz to Sainte-Beuve and Cousin, from the Mazarinades to the latest collections of documents. The Fronde, in spite of its riots and civil wars, of its bloodshed and waste of money, was never taken very seriously, even by those who played leading parts in the different scenes ; no crisis in French history has produced such a harvest of songs, of epigrams, of witticisms ; and de Retz in his *Memoirs* set the tone which subsequent writers have thought fit to adopt in narrating the events of those fateful years (1648-1653), during which Parliament, Princes, Minister, fought, imprisoned, banished, and cajoled each other by turns. The essayist has breathed so deeply in that literary atmosphere that in every page of his book one comes across sprightly phrases, well-balanced epigrammatic sentences that bring out in vivid relief a character or an incident. Indeed, were it not for a conscientious use of quotation marks, it would be hard to distinguish between what is old and what is new. The narrative is clear, and the crowded events are easily followed ; yet at times the casual reader will be pulled up by a passing hint or allusion that he may not readily grasp ; but of course the essay was not written for casual readers, and evidently these obscure passages have been appreciated in the proper quarter. The little book is certainly full of promise.

F. J. AMOURS.

A HISTORY OF THE POST-REFORMATION CATHOLIC MISSIONS IN OXFORDSHIRE, WITH AN ACCOUNT OF THE FAMILIES CONNECTED WITH THEM. By Mrs. Bryan Stapleton. Pp. viii, 372. 8vo. Oxford: Henry Frowde. 1906. 10s. 6d. nett.

CAREFUL and loving hands have sought and found details of the lives of all those faithful and tested adherents of the Old Faith who, in Oxfordshire, have kept its vital spark alive in times of trial and indifference. The book has no pretensions to literary merit, but the quaint and often pathetic stories, mostly told in the words of the original records, have a charm of their own. Oxford readers will be interested in the following account of a pathetic incident of the siege of Bletchingdon, the seat of the present Member for the City. Francis Windebank, son of Mr. Secretary Windebank, was in command of the garrison of Bletchingdon House. After many attempts, the Parliamentary forces were enabled at last to cross the Cherwell, and they advanced upon Bletchingdon, calling the governor to surrender, 'who being summoned by the victorious Cromwell, and persuaded by his beautiful young bride and other ladies that came to visit her, surrendered the place, with all the arms and ammunition, for which surrender the hopeful young gentleman, for all the entreaties of his wife and the merit of his father, was shot to death against Merton College wall, to the great regret afterwards of the King when he understood the business, and for which he was highly displeased with Prince Rupert.'

Local interest may be taken in such stories as those of the 'three old cronies of Holywell' related by Hearne. 'Old Mr. Joyner often

desired Mr. Kimber to be his executor, but he declined, though he wished he had, because after his death, when he examined his books, they found money stuck in almost every one of them, in all to the value of three or four hundred pounds, which I take to be the reason why he never would let one see his study.'

The 'Catherine Wheel' in Oxford, once a hostel near St. Mary Magdalene's Church, was a favourite meeting place of Catholics. There one, Thomas Belson of Aston Rowant, arrived to confer with Father Nicol and Father Yaxley. 'Their secret was known, and one midnight they were disturbed by the violent entrance of the University servants and all taken the next morning before the Vice-Chancellor's Court. In reply to the examination they all confessed their faith. With needless barbarity they were taken to London, imprisoned, racked and tortured, and finally sent back to Oxford for execution. The inn servant, Humphrey Prichard, suffered with them, and their heads were set upon the old Castle walls and their quarters over the city gates. The good landlady also suffered for her hospitality to the martyrs; she was condemned to the loss of all her goods and to perpetual imprisonment.' One would like to quote in full the account of the receiving of Dr. Newman into the Old Faith by Father Dominick, and the well known "Little-more," and you will be right.'

The authoress rightly hesitates to claim the poet Milton (who was an Oxfordshire man) as a Roman Catholic, though there seems to be a persistent report of his conversion. The book, though mainly interesting to members of the old religion, is of distinct value to the historical student, and covers ground that has never before been dealt with.

C. C. LYNAM.

ECCLESIOLOGICAL ESSAYS, by J. Wickham Legg. Pp. xi, 275. Med. 8vo. London: A. Moring, Ltd. 1905. 7s. 6d. nett.

THESE Essays form the seventh volume of that most interesting series, *The Library of Liturgiology and Ecclesiology for English Readers*, which is issued under the editorship of the Provost of S. Andrew's Cathedral, Inverness. They have been collected from various publications, and the fact that they are from the pen of Dr. Wickham Legg is in itself a sufficient recommendation. Dr. Legg treats of such subjects as 'Revised and Shortened Services,' 'On Two Unusual Forms of Linen Vestments,' 'On the Three Ways of Canonical Election,' 'Notes on the Marriage Service in the Book of Common Prayer of 1549,' 'The Lambeth Hearing,' etc. The essay on 'A Comparative Study of the Time in the Christian Liturgy at which the Elements are prepared and set on the Holy Table' is a most useful and scholarly compilation. And that upon 'Mediæval Ceremonials' is of exceptional value at the present time. It is no surprise to those who have made any study of this subject to find it stated that 'the character of the Roman rite during the early part of the middle ages was one of extreme simplicity.' Ignorance of the true nature and character of mediæval ceremonies is unfortunately too prevalent. This essay should be of service in dispelling it. These Essays will prove of interest to all who desire that

soberness and sense should regulate the services of the Church, and that if changes must be made, that they be made according to knowledge. It is a matter for congratulation that we should have them in such an accessible and attractive form. The illustrations are excellent and informative, and there is a full index.

W. H. MACLEOD.

ECCLESIA ANTIQUA : THE STORY OF ST. MICHAEL'S, LINLITHGOW.

By the Rev. John Ferguson, Minister of Linlithgow. Pp. xxi, 357. Dy. 8vo. Edinburgh : Oliver & Boyd. 1905. 7s. 6d. nett.

ST. MICHAEL'S has had a great history and was the Church of Scottish kings and queens. Through the energy and devotion of the present parish minister, it has been added to the list of restored Scottish temples, and although its beautiful steeple-crown was removed in 1821 'to avoid the danger to the building,' it is a noble church, much admired by all who know it. Mr. Ferguson has done again distinct service to his parish by writing the history of his church, and his book is characterised by exact scholarship, sympathetic study, careful research extended over many years, and by a fine literary style. It reveals an intimate knowledge of the subject, and specially valuable is the appendix information regarding the twenty-five ancient altars, St. Mary's Chapel at the East Port, St. Magdalene's Hospital, the Sang Schule, Carmelite and Augustinian Friaries, as well as the Obits.

St. Michael's illustrates the Middle Pointed or Decorated Period of Scottish Architecture, and MacGibbon and Ross' great book gives an exact and reliable account of its structural features.

Regarding its former collegiate ministry, Mr. Ferguson says: 'We have, in this second charge at Linlithgow, a proof that the clergyman in possession of a teind-stipend, and the clergyman voluntarily supported, had, for centuries before the chapel at Stewarton was built, sat together in the Church Courts, and enjoyed equal rights and privileges: and it might have been better for religion in Scotland to-day if the rights of heritors had been safeguarded otherwise than by deciding that the possession of a legal stipend was necessary to a clergyman's enjoying the full status of a Presbyter.'

Mr. Ferguson's history is worthy of its subject.

D. BUTLER.

THE ROMANIZATION OF ROMAN BRITAIN. From the *Proceedings of the British Academy*, Vol. ii. By F. J. Haverfield, Fellow of the Academy. Pp. 33, with 13 illustrations. Imp. 8vo. London : Henry Frowde. 1906. 2s. 6d. nett.

WE do not know whether the British Academy produces many papers of quality equal to this. Even if it produces only a few, it will soon justify its existence. The besetting sin of the archaeologist is undoubtedly his inadequate sense of proportion, his tendency to regard all facts as equally important: if he digs up a camp or a barrow, he is prone to bury it again immediately beneath a mountain of detailed description. Mr.

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Haverfield's training as a historian has delivered him from this weakness. There is no lack of facts in what he writes; but every fact is strictly relevant, and is assigned to its proper place with a clearness and decision that make the argument easy to follow. In the present paper he sets himself to enquire: How far was Roman Britain really Romanized, in the sense that, say, Gaul and Spain were Romanized? His answer, based on abundant archaeological evidence, is at variance with the results that have been reached by earlier authorities. He begins by emphasizing the vital distinction between the two halves of the province,—‘the one the northern and western uplands occupied only by troops, and the other the eastern and southern lowlands which contained nothing but purely civilian life.’ In regard to the former, we know but little about the natives. In regard to the latter, we know a great deal, and we find that, within the region indicated, the average Briton was as completely ‘Romanized’ as his Gaulish neighbour. He adopted the civilization of his conquerors. Latin was his everyday speech. Even his native art was abandoned, or survived only sporadically as in the potteries on the Nene. Not the least interesting portion of Mr. Haverfield's paper is its conclusion, where he shows how the traces of this Roman period in British history were largely obliterated, not merely by the English invasion, but even more effectually by a Celtic revival which set in about the opening of the fifth century A.D. Altogether, the *brochure* is one to be carefully read, and laid aside for frequent reference.

GEORGE MACDONALD.

HISTORICAL ABERDEEN. By G. M. Fraser, Librarian, Public Library, Aberdeen. Pp. xxviii, 172. 8vo. Aberdeen: Wm. Smith, 1905.

MR. FRASER continues to make admirable use of his leisure and of his position and resources. He had already gratified Aberdonians and others interested in Aberdeen by his account of the Green and its associations. In this volume he gives an excellent account of The Castle and the Castlehill, The Snow Church, The Woolmanhill and Neighbourhood, and The Guestrow. On two disputed points, namely, the original breadth of Broad Street, and the origin of the name Guestrow, we take Mr. Fraser's view. It cannot be proved that the Guestrow and Broad Street ever formed one street, and we are of opinion that the origin of the name Guestrow is to be found not ‘in the circumstance that it was here that hostelries or houses of entertainment existed—that it was the Guest Raw’—but in the fact that it overlooks the city Churchyard, and was therefore called the Ghaist Row. On the question of etymology we note that Mr. Fraser ignores a derivation suggested to account for the name Mutton Brae. It is true that in the north country *provisional* etymologies are favoured; thus St. Brandon's Fair (Banff) has been corrupted into Brandy Fair, and this has given rise to Porter Fair (Turriff), and Whisky Fair (Aberchirder). The suggestion, however, that the word ‘Mutton’ in Muttonbrae is connected with A.S. *mōt*, a meeting, is worth consideration.

The book contains a good index, a copy of Parson Gordon's map, and interesting illustrations. Strangers who may visit Aberdeen in September in connection with the University quater-centenary celebrations will find it extremely useful.

A. M. WILLIAMS.

NAPOLEONIC STUDIES. By J. Holland Rose, Litt.D. Pp. xii, 398. Post 8vo. London : George Bell & Sons, 1904. 7s. 6d. nett.

MR. ROSE's well-established reputation, and his admirable life of Napoleon—so marked a service to English readers—have already taught us to expect from him accurate research and a clear style.

Of the twelve essays which this volume contains some have already appeared in the various reviews; but of greater interest and importance are the four new essays in this collection. One traces in Pitt's Plans for the Settlement of Europe (in 1795, 1798-99, and 1804-1805) a clear forecast of the settlement arrived at by the Congress of Vienna. In another is printed an interesting description (July, 1802) of Egypt, its geography and antiquities, the nature of the French administration, its commerce, the possibilities of its agriculture—'a proper management of the water is the first, the last, and the only object to be attended to.' A third works out the intimate connection of Napoleon's downfall with the pacific disposition of Austria, and his belief that she could be bribed or bullied into an understanding with him. Most likely to interest the general reader is Mr. Rose's study of the Idealist revolt against Napoleon, with which he joins the names of Wordsworth, Schiller, and Fichte. We wish Mr. Rose had given himself more space here: the discussion is too short to be adequate, and—we have no wish to quibble, but surely his use of the word 'idealist' is a little misleading. Napoleon represented heedless force as the executant of vague cosmopolitanism. It was the full exhibition of this that drove speculators into contact with reality, and aroused in Germany a nationalism, that was ill developed but perfectly genuine, and historic from the days of Charles V., and long before him. This, of course, is much more obvious in the case of England; and Mr. Rose scarcely notices, when writing of Wordsworth, to what an extent—and far more than Wordsworth then realised—his enthusiasm for the Revolution was based on his actual experience of sober liberty in England: that life in which he had been trained, and to which he returned 'to nurse his heart in genuine freedom.'

At the end of the volume Mr. Rose has printed a variety of letters and despatches illustrative of the operations in the Mediterranean, 1796, 1798; Napoleon's plans for invading England; and other matters.

K. L.

LIFE OF SIR JOHN T. GILBERT, LL.D., F.S.A., Irish Historian and Archivist. By Rosa Mulholland Gilbert. Pp. x, 461. Demy 8vo. London : Longmans, Green & Co., 1905. 12s. 6d. nett.

IT is not very easy to see the necessity for the *Life of Sir John T. Gilbert, LL.D., F.S.A.*, which his widow has lately published. Sir

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John Gilbert was a capable and indefatigable worker in the historical antiquities of Ireland, in regard to which he occupied for many years a position of acknowledged pre-eminence among his contemporaries, and his long labours undoubtedly did much to enlarge the available sources of information upon many important periods of Irish history. But large as was his knowledge, and great as was his enthusiasm for the historical records of his native country, Gilbert can scarcely be reckoned an historian, and there was nothing in his career to differentiate him from numerous learned contemporaries of whom even in this age of superfluous biography the world is content to go without a formal record. The public which Lady Gilbert rightly believes to feel an interest in her husband's career would gladly have welcomed a short account within the compass of a hundred pages of her husband's useful and laborious career. Such a memoir Lady Gilbert is well qualified to write.

STUDIES IN ROMAN HISTORY. By E. G. Hardy, M.A., D.Litt. Pp. ix, 349. London: Swan, Sonnenschein & Co., Limited, 1906. 6s.

THESE essays, chiefly on the introduction and spread of Christianity in the empire, begin with the earlier attitude of the Republic towards foreign cults, especially Judaism, and go on to examine the growing faith under Nero and the persecutions for the 'Name,' which are treated as rather social than religious. Not the slight to the national religion moved Nero, Domitian, or Trajan, but the disobedience shown through religion to the imperial government. Mr. Hardy often prefers a view opposite to Prof. Ramsay's. Included are essays on the movements of the legions, on parallelisms of Plutarch, Tacitus, and Suetonius, and on the Bodleian MS. of Pliny's letters. The miscellany displays wide classical research. In the military section Hadrian is treated as builder of both the Wall and the Vallum in north England, a standpoint now more than dubious.

THE HEADSMAN OF WHITEHALL. By Philip Sidney. Pp. ix. 114. 8vo. Edinburgh: Geo. A. Morton. 1905. 2s. 6d. nett.

MR. SIDNEY in this small book gives a well-written series of essays upon the execution of King Charles I., and the circumstances connected with it. He prints a detailed list of the regicides which will be found of use, but the main object of his speculations turns upon the identity of the King's executioner which is a still unsolved historical mystery. To eighteen persons has been attributed the dubious honour. One contemporary distich ran—

The best man next to Jupiter,
Was put to death by Hugh Peter.

But the mass of the evidence seems to fix the responsibility upon the headsmen, Richard Brandon, who at first refused absolutely to do the deed, but may later have been compelled by main force to mount the scaffold. It is an interesting study of one of the bypaths of history.

Henderson : Religious Controversies 515

THE RELIGIOUS CONTROVERSIES OF SCOTLAND. By the Rev. Henry F. Henderson, M.A. Pp. 274. Crown 8vo. Edinburgh : T. & T. Clark, 1905. 4s. 6d. nett.

A GOOD deal of the marrow of divinity has always been in the heresies. Mr. Henderson is full of guarded sympathy for the struggles of nationalism to permeate theology. His pleasantly toned volume surveys the burning questions of other days, from Hume's essay on miracles and Home's *Douglas* to Edward Irving's gift of tongues, and brings the theme down to date by its account of the troubles of Robertson Smith, Marcus Dods, and Professor Bruce. Heresies, however, quickly grow stale. Hume's question alone seems to preserve its salt.

PATHFINDERS OF THE WEST. Radisson, La Vérendrye, Lewis, and Clark. By A. C. Lant. Pp. xxv. 380. Cr. 8vo. New York : The Macmillan Company. 1904. 8s. 6d. nett.

THIS is a well-illustrated account of the careers of the early explorers of the Western portion of North America from 1651-1806. It is full of exciting adventure and discovery, and, in spite of some uncouth phrases, is well written. The writer in her dedication bases much of her knowledge upon the researches of Mr. Sulte, President of the Royal Society, Canada. And from them and other careful study, she has constructed a book that will delight those who love adventure and who care for North American exploration.

Historical and Modern Atlas of the British Empire specially prepared for Students is the title of a new work by C. Grant Robertson, All Souls' College, and J. S. Bartholomew (Methuen, 1905, 4s. 6d. net). The aim of its compilers is to provide a geographical and historical companion to past history and present conditions, so that teachers and pupils may examine the historic, the physical, the economic, and the modern political factors which affect the development of the nation. The maps and charts admirably fulfil this purpose, and the book is likely to be as useful as it is interesting.

Shakespeare and the Supernatural, by Margaret Lucy (Liverpool : Jaggard & Co., 1906, pp. 38, 2s.), carries a little information in a great deal of sentiment. Mr. William Jaggard's appended bibliography of the Shakespearean supernatural at least begins the subject.

Notes on Shipbuilding and Nautical terms of old in the North, a paper by Eiríkr Magnússon read before the Viking Club Society for Northern Research (London, Moring, pp. 56, with index, 1s.), brings, alongside of the vessels of the old Norsemen, the evidence of archaeology and etymology conjoined towards tracing the evolution, from the dug-out 'oakies' of the prime down to the 'snekkia,' 'dragon,' and 'buss' of the sagas. Very attractive is this assembling of the data, showing the

changing types of construction and tackle from the coracle of wicker with hide 'sewn' over it to the ocean-faring clinker-built galleys. The viking mast, always a pole-mast, the rudder or 'styri' (steering-oar) at the right-hand side buttock of the ship, the old nautical terms, the names of ships and winds and seas—all are discussed with abundant reference and document. 'Starboard' is well explained, but the old crux of 'larboard' is a problem still. The little book brings us out of difficult material a pleasant chapter of the story of the North Sea.

The Letters of Cadwallader John Bates, edited by Rev. Matthew Culley (Kendal, Titus Wilson, 1906, xiii. 192), with portrait frontispiece, recall the bright and winning personality of an accomplished and original Northumbrian antiquary, who died—too soon—in 1902. Mr. Bates did fine work in North English history, notably in his *Border Holds* and his short *History of Northumberland*, but he was as versatile as he was learned, and his sympathies attracted him not only to problems of the Roman Wall, to 'peels' and heraldry and medieval record, but also to such dark age interests as the computation of Easter and the biography of St. Cuthbert. His letters show a genuine workman in his study, and carry for his friends echoes of happy hours in his company at Langley Castle and elsewhere. A bibliography would have been a valuable supplement to this collection of letters, many of which were well deserving of preservation.

Of Burns biographies there is no end. *The Life of Robert Burns* by John Macintosh (Paisley: Alex. Gardner, 1906, pp. 309, 2s. 6d. net), follows orthodox Burnsian lines; though its note is local and not critical, it tells the old, proud, sad story with due sympathy and the expected discretion, and it avoids heroics. Its detail of the memorials, monuments, celebrations, centenaries, exhibitions, clubs, etc., in honour of the bard is, in spite of its disproportion to the subject, an expressive section of the chapters on Burns and Posterity.

In *The World's Classics* (1s. per volume), now published by the Oxford University Press, the last two volumes, VI. and VII., have now been issued of Gibbon's *Decline and Fall*. A commendable feature of this handy and readable reprint is an index of no fewer than 138 pages.

Among periodicals received are *Archiv für das Studium der neueren Sprachen und Literaturen* (March), giving the close of a transcript of the *Dicta Catonis* and studies on Frankish sagas and on Boccaccio in Spanish Literature: *Revue des Etudes Historiques: Annales de l'Est et du Nord: Analecta Bollandiana: Kritische Blätter: Iowa Journal of History and Politics: Notes and Queries for Somerset and Dorset: Northern Notes and Queries*, (April), containing a compact well-informed biographical column on Mr. Neil Munro. Reprinted from the *American Quarterly, Modern Philology*, is Mr. Carleton F. Brown's expository and combative paper, entitled *Chaucer's 'Litel Clergeon'*, directed with no small force,

to disproving Professor Skeat's interpretation of the little schoolboy as a chorister. The *Ulster Journal of Archæology* (April) contains, besides place-name studies, an instalment of the story of the Fall of Down in 1642, discussing the 'massacres.' The *Rutland Magazine* (April) has a paper with facsimiles on handwriting from the times of Mary and Elizabeth to the days of Oliver Cromwell. We have received an Alcuin Club tract on the litany—*The People's Prayers* (Longmans, pp. 43, 6d.).

The Reliquary (April), among its illustrations, has numerous sanctuary rings, like the knocker at Durham. *The Gentleman's Magazine* (February) has a paper which champions 'the real Claverhouse.' *The Revue Historique* (March and April) surveys in chivalrous yet patriotic retrospect the story of the fall of Quebec and loss of Canada in 1759-60. *The Modern Language Review* (April) deals with Dante's references to sports and pastimes, with Shakespeare's ghosts, and with Professor Churton Collins's editing of Greene's plays. In *The American Historical Review* (April), notable as usual for the generous space—100 pages—given to able and informing book-notices, Professor McMaster discusses American standards of public morals as exhibited in history, especially in such matters as repudiation of State debts, toleration, and codes of punishment.

Scottish Notes and Queries (February) had a note on a tombstone in Dundee, brought forward as a suggestion towards identifying Christian Lindsay, whose elusive shadow flits across the court literature of James VI. In the June issue points deserving study are raised regarding the *Dict. Nat. Biog.* articles on David and John Leitch, both Latinists—John certainly a Scot, and David claimed as such.

The Celtic Review (April) contains Gaelic texts both from manuscript and tradition, as well as discussion of place-names and debate on the date of Gildas. In its Reviews we note the following interesting comment on the Killiecrankie ballad, 'by an eye-witness,' dealt with by Mr. Millar in our October number (*S.H.R.* iii. 63). 'This eye-witness,' remarks our Celtic reviewer, 'was Iain Lorn, and while we admit his descriptions of the battle are given as if he had been a witness, we are not prepared to accept them as proof of his presence there. Iain Lorn was notoriously lacking in physical courage, and the fact of a poet describing a battle as if witnessing it when in reality he has never been even on the ground is a simple literary device which proves nothing except the poet's dramatic power. It is not commonly accepted in the Highland traditions that Iain Lorn was present at Killiecrankie, and there is really no proof either way.'

Much discussed as have been the relations of Saint Simon and Comte, the questions take a new departure in the light of M. Pereire's article in the *Revue Historique* (May-June), editing documents of the first value for philosophic biography.

Queries

ROBERT LITTLE. To what family did Robert Little belong, who was born on 1st January, 1755, was for a year or two, 1778-9, at the University of Edinburgh, and then went to America and settled in New York county? He married Elizabeth Townsend there, and died in 1831.

HENRY PATON.

120 Polwarth Terrace, Edinburgh.

‘SALVO KER MEO.’ In the famous charter of liberties granted to the borough of Egremont in Cumberland by Richard de Lucy towards the close of the twelfth century, there is the puzzling phrase which I have placed as the title of this note. As it occurs twice I think there can be little doubt of the true reading. The reservation is thus set out in the grant:

(1) ‘Item, burgenses mei quieti erunt de pannagio suo infra diuisas suas de porcis suis, scilicet, a Crokerbec usque ad riuulum de Culdertun, saluo Ker meo.’

(2) ‘Item, burgenses capient necessaria ad propria edificia sua infra predictas diuisas sine uisu forestariorum, saluo ker meo.’

When Nicolson and Burn printed the deed in 1777, they read the difficult passage in both cases as ‘salvo maeremio,’ but it seems clear that though the reading would be appropriate in the second passage, it would be altogether out of place in the first. Canon Knowles gave us a facsimile of the document in 1872, and if the script has been reproduced correctly there can be no question that ‘saluo Ker meo’ is the true reading. In the first passage we have ‘Ker’ with a capital and ‘meo’ with the customary interspace. There is no mark for contraction. In the second passage the first letter of the difficult word has been rubbed and no dogmatic opinion can be offered about it, but the ‘meo’ occupies the same relative position as in the other instance. Of course the scribe may have mistaken the word if he wrote from dictation. On the whole I think he meant to write ‘saluo Ker meo.’ It is scarcely possible that the central letter of ‘mer[e]meo’ could have perished in both places. On the other hand, Nicolson and Burn, no incompetent authorities, had seen the original, and I am depending solely on the facsimile by Canon Knowles, who was not by any means an expert palaeographer. But, as I said, if the facsimile is to be trusted, my reading of the word in the first passage is indisputable.

The only analogy I can suggest is from a Norfolk inquisition of 1277—'de quadam consuetudine que vocatur Kerhere,' which Ducange interprets as *droit de chaucée*, deriving from the Latin *carriera*. It is perhaps not inadmissible to take the Egremont word from the English *cer*, *cerre*, *ceran*, which would amount to the same thing, viz., the lord's right of passage through the burghal district.

JAMES WILSON.

Dalston Vicarage, Cumberland.

[Mr. Wilson is not to be rashly questioned on such a point, but is it not probable that the 'Ker' reserved from the grant was a piece of ground rather than a right? The word is still descriptive on both English and Scottish border connoting a low-lying wet tract of land. The *N.E.D.* s.v. 'Carr' cites Robert of Brunne, telling of an archbishop of York that 'He livede in Kerres as doth the stork.' In the *Coucher Book of Selby* (ed. Fowler) there is charter mention (i. p. 146) of 'Stainer Ker' in 1259; in the fourteenth century 'Risebrig-Ker' was a waste (ii. 28, 31) being reclaimed; while 'one lytle carre' is referred to in 1540 (ii. p. 349) which was 'overronne with water almoste all the yeere.' The great alliterative author of *Sir Gawayne* knew the word 'Kerre' (ll. 1421, 1431) which his editors have perhaps wrongly explained in the glossary. Scottish indications of the sense appear in such charter passages as that which connects '*le Halch Kerre Molendinum et terras molendini*' of Ardonane in 1509 (Reg. Mag. Sig. 1424-1513, No. 3288) shewing that haugh and Ker and mill lie together. The correlation with brushwood is well shewn in the *N.E.D.* by instances from 1440 downwards: a citation from the Selby book (ii. p. 357) in 1540 may be added: 'Totam terram et boscum nostrum vocatum le Carre.' G. N.]

A SILVER MAP OF THE WORLD. There are in the British Museum two Silver Medallions engraved with a Chart of the World having Drake's Voyage of circumnavigation clearly marked on it; only one other copy is known to exist.

Mr. Miller Christy in his interesting Monograph¹ on this Medallion suggests that it was engraved in commemoration of Drake's voyage, but states that the engraver's name is not known, nor the map from which the Medallion was copied. A reference to this Silver Map in *Purchas His Pilgrimes*, vol. 3, pages 461 and 462 has, however, apparently escaped Mr. Christy's notice, and in the hope of eliciting further information on the subject we draw attention to it here.

Purchas is defending the claims of the English navigators to the prior discovery of the passage round Cape Horn against those of the Dutch navigators, and instances in support of his contention 'The Map

¹ A Silver Map of the World. A contemporary Medallion commemorative of Drake's Great Voyage (1577-1580), by Miller Christy. London: Stevens, Son & Stiles, MDCCCC.

of Sir Francis Drake's Voyage presented to Queene Elizabeth still hanging [c. 1625] in his Majestie's Gallerie at White Hall neere the Privie Chamber and by that Map wherein is Cabotas Picture, the first and great Columbus for the Northern World may be seen.' He then proceeds, 'And my learned friend Master Briggs told me that he hath seen this plate of Drake's Voyage cut in Silver by a Dutchman (Michael Mercator, Nephew to Gerardus) many yeeres before Schouten or Maire intended that Voyage.'

There can be no reasonable doubt that the 'plate cut in Silver' is this Silver Medallion, but who was Michael Mercator the engraver, and is the map of Drake's Voyage with Cabot's portrait engraved on it, still in existence?

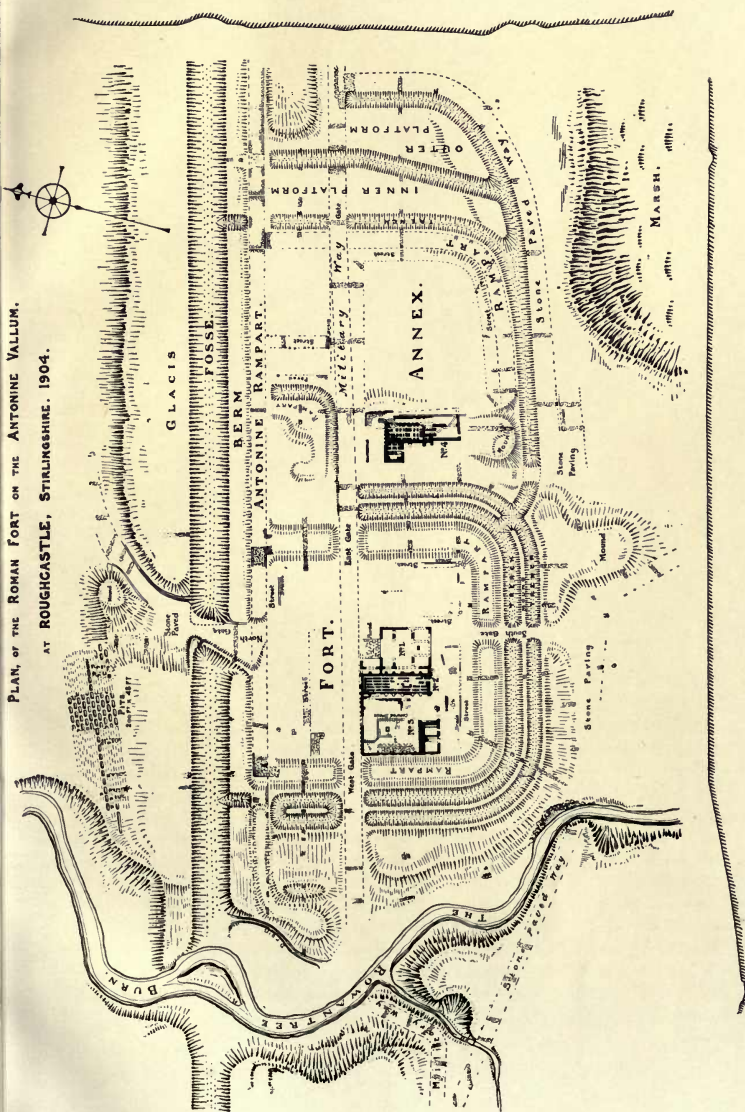
'Master Briggs' is doubtless Henry Briggs, the Mathematician, 1591-1630, whose life is given in the *Dictionary of National Biography*, vol. vi. pages 326 and 327.

S. D. J.

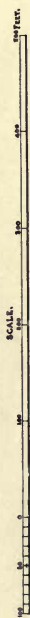
DEDICATIONS TO ST. SUNNIVA. In *A Description of the Isles of Shetland* (p. 530), Dr. Hibbert says: 'The parish of Yell boasted twenty chapels, variously dedicated to Our Lady, to St. Olla, to St. Magnus, to St. Laurence, to St. John, to St. Paul, or to St. Sineva.' Regarding the last-mentioned saint, the Rev. S. Baring-Gould quotes the substance of a twelfth century Saga: 'There lived in the days of Earl Hako (*i.e.* between 995-1000) a king in Ireland, who had a most accomplished and beautiful daughter named Sunnifa. A northern viking, hearing of her charms, became enamoured, and harried the coasts of Ireland because the king hesitated to give him her hand. The damsel, to save her native island from devastation, left Ireland. Her brother Alban and a multitude of virgins accompanied her, and all sailed away east, trusting in God. They came ashore on the island of Selja, off the coast of Norway, and would there have been massacred by Earl Hako had not the rocks opened, and all the maidens having retired within, they closed on them again, and they came forth no more alive. In 1170 the relics of Sunnifa and her virgin train were translated from Selja to Bergen by the bishop, Paul.' (*Lives of the Saints*, October, p. 543.) The writer of the article on the united parish of Mains and Strathmartine in the *New Statistical Account of Scotland* says: 'There is only one spring that claims to be noticed. It is called Sinavey, and issues from the crevice of a perpendicular rock at the castle of Mains.' Bishop Forbes, however, is inclined to derive the name of the spring from that of St. Ninian, to whom the church of Mains was dedicated. Had St. Sunniva any other dedications in Scotland besides the one in Yell referred to above? Were any Norwegian churches named after her?

J. M. MACKINLAY.

PLAN, OF THE ROMAN FORT ON THE ANTONINE VALLUM.
AT ROUGHCASTLE, STIRLINGSHIRE. 1904.



PROFILE OF THE SURFACE, THROUGH THE MILITARY WAY.



Mungo Buchanan, Del.
Falkirk.

520 a

PROFILE OF THE SURFACE, THROUGH THE FORT.

Communications and Replies

THE RUTHVEN OF FREELAND BARONY. He who puts himself into the position occupied by Mr. Pickwick on a certain historic occasion must not complain of a cuff or two. But it is not stated that that gentleman evaded Mr. Slurk by sheltering behind Mr. Pott. If I have failed to grasp the import of the Records relied on to establish the charge of *mala fides* against the two Baronesses and the third Baron Ruthven,¹ I accept full responsibility therefor. But in courtesy to Mr. Round, I have asked the Editor's leave to explain my view of the particular instances on which he still insists. (*S.H.R.* iii. 104, 194, 339.)

The case of James Lord Ruthven is simple. Acting no doubt under legal advice, he took the title in succession, not to his mother or to his great-aunt, but to the second Baron; and forbore to assume it until he had been served heir accordingly.

But why did Baroness Jean drop, in a legal document of 1721, the style which she had constantly used since 1702. It is a puzzle. What special risk would the lady have run by retaining on that occasion the title which she had employed on so many seemingly similar occasions before? Till that question is answered, Mr. Round's theory is inadmissible, and he suggests no answer. Nor does Riddell. My explanation, offered with diffidence, is as follows. The third Lord in his *Retour* as heir to the second Lord is styled as a commoner, because on that *Retour* he was basing his claim to the title. What if Baroness Jean, in recording the entail executed by her brother, were seeking (so to speak) to re-found thereupon her right, which had been ignored in Crawford's *Peerage*? In that case, her reason for dropping the title would be the same as her grand-nephew's for delaying to assume it. It does not follow that the entail really gave her a legal right to the title; that I, like Mr. Round, think improbable, though I do not concur with him in thinking that the matter can be settled by quoting the terms of another patent. If the Ruthven patent, or the traditional version of it known to Baroness Jean, *could* be so understood, that is enough to explain Baroness Jean's action. In my former notes I showed cause for suspecting that her assumption of the title was rather acquiesced in than approved of by some of the family. Be that as it may, the third Lord, as has been already pointed out, took up the title in succession not to the Baronesses but to the second Lord; and his and his descendants' withers would be unwrung though Baroness Jean's claim were definitely rejected.

¹As before, I use the titles for convenience and without prejudice.

These remarks do not touch Mr. Round's case on the merits, the strength of which I have admitted. He might without loss to himself have taken much of the wind out of the sails of his opponent, by dropping the argument *ad invidiam* altogether. But 'Ephraim is joined to his idols.' We have to thank him for giving us chapter and verse for Baroness Isobel's Coronation summons. I wish he could have proved or disproved the story of the like summons having been sent to Baroness Jean.

J. MAITLAND THOMSON.

THE ANDREAS AND ST. ANDREW. A few words should be said in reply to the remarks of Mr. Skeat in the *Review* for April, 1906 [*S.H.R.* iii. 245 and 383]. Mr. Skeat asserts very positively that *Andreas* and *The Fates of the Apostles* must be taken together as constituting a single poem, which he would call *The Twelve Apostles*, and for his proofs in detail he refers us to his article in *An English Miscellany*, Oxford, 1901. These proofs are repeated in summary by Mr. Skeat in his remarks in the April *Review*, without reference, however, to the discussion of the subject which had appeared in the meantime in the introduction to my edition of *Andreas* and *The Fates of the Apostles*, New York, 1906. With all deference to Mr. Skeat, I must repeat the conclusions which I have expressed there, that there is no proof that *Andreas* and *The Fates of the Apostles* are to be taken together as a single poem, and that, on the contrary, there is very good indication that they cannot be so regarded. The argument which Mr. Skeat bases on the mechanical arrangement of the poems in the manuscript is inconclusive, since, as I have shown, the scribe of the Vercelli manuscript uses exactly the same method in marking off sections of a poem that he uses in separating entirely different poems. There would, therefore, be as much reason for regarding the *Dialogue between the Soul and the Body*, *Sermon in verse on Psalm xxviii.*, and *The Vision of the Cross*,—three poems that no one has ever thought of uniting, as three cantos of a single poem,—as for regarding *The Fates of the Apostles* as a sixteenth canto of a poem consisting of *Andreas* and *The Fates of the Apostles* united. The arrangement of the poems in the manuscript does not speak decisively in favour of accepting *The Fates of the Apostles* as an integral part of *Andreas*.

An examination of the subject matter of the two poems in their relation to each other leads to the positive conclusion that they are separate and distinct compositions. Limitations of space do not permit a discussion of the question here, but the matter will be found fully set forth in the introduction to my edition of the poems. It will suffice for the present to point out that no part of either poem is necessary for the understanding of any part of the other poem, nor is there any allusion in the one to the other. Furthermore, an examination of the sources of the two poems shows that the author or authors followed these sources closely. In neither poem is there any indication that the author thought he was writing a great epic poem on the Twelve Apostles; he was simply retelling old stories as he had found them. The story of *Andreas* is derived from the *πράξεις Ἀνδρέου καὶ Ματθεῖα εἰς τὴν πόλιν τῶν ἀνθρωποφάγων*,

and to this source the poet adds not a single episode. The immediate source of *The Fates of the Apostles* has not been discovered, but the type of composition to which it belongs is a well known form of apocryphal literature preserved in numerous examples. The poem is obviously nothing more than a translation of one of these apocryphal Latin lists of the names and fates of the Twelve Apostles. The poet made no attempt to fuse old and detached episodes into a single unified poem; or if he did so, the evidences of success are so slight that no one could think of assigning such work to Cynewulf. The poems are separate and distinct. They belong to two different types of medieval composition; their sources prove this and their own internal economy permits no other supposition.

Like Mr. Skeat, I do not at present 'write to convince others,' but simply to call attention to an explanation of the relation of the poems that otherwise might escape notice. The question is of some importance in the history of Anglo-Saxon literature, and it deserves a cool and unprejudiced examination, instead of which it has been treated of late with a hasty dogmatism that passes belief.

In conclusion, I think we may clear Thorpe of the charge which Mr. Skeat brings against him, of wilfully disregarding the runic signature containing the name Cynwulf. The fault, if fault there was, probably lies further back than Thorpe. For it is not at all probable that Thorpe saw anything but a copy of the manuscript, and it is altogether likely that the runic signature was missing in this copy.¹ Thorpe pretty certainly printed everything his copy contained, and there is no reason for supposing that he 'coolly ignored' any part of the manuscript.

GEORGE PHILIP KRAPP.

Columbia University, New York City.

THE ANDREAS AND ST. ANDREW (*S.H.R.* iii. 245 and 383). Not to accept Professor Skeat's inferences does not necessarily imply ignorance of the facts. I do not regard as proved or provable the unity of the *Andreas* and the *Fata Apostolorum*. In my judgment the poem called the *Andreas* is rightly so called since St. Andrew is undoubtedly the hero of it, occupying the stage for the longest time and figuring in triumph. As I have said, the poem is a free translation of a well-known Greek original, and it is complete in itself. There is a short introduction referring to the twelve apostles, but to use it to cover the incorporation of the *Fata Apostolorum* is a mere straining of the facts. Professor Skeat's assumption that the poet 'finding the whole story would be too long, accounts for the rest of the apostles by merely mentioning their ultimate fate,' is quite unwarranted. The Anglo-Saxon poet did not boggle at the length of his composition; the *Andreas* contains 1722 lines, the *Genesis* contains 2935; moreover,

¹ For the full details of this question I must refer to my discussion of it in 'The First Transcript of the Vercelli Book,' in *Modern Language Notes*, vol. xvii. pp. 171-172 (1902).

Professor Skeat ignores the fact that in the *Fata Apostolorum* St. Andrew and St. Matthew are introduced again, St. Andrew in line 16, St. Matthew in line 67. I have no hesitation in regarding *Fata Apostolorum* as an independent composition.

A. M. WILLIAMS.

SOLOMON'S EVEN IN SHETLAND. (*S.H.R.* i. 350.) Respecting the word the Rev. A. Smythe Palmer, in his *Folk-Etymology*, says: 'I have no doubt that this is a corruption of *Sowlemas Even* or *Soul-mass Even*; *Sowlemas Daye* or *Sowlemesday* being an old name for the Feast of All Souls, which fell on the 2nd of November.' As may be remembered, a superstition of ill-omen was connected with Solomon's Even not out of harmony with the sombre associations of the day of the dead. Why Solomon's Even should have fallen on the third of November rather than on the second, or, more correctly, on the evening before the second, does not appear.

J. M. MACKINLAY.

SCOTS IN POLAND. The following translation from a document in High German in the possession of Mr. Patrick Keith-Murray is printed here, as it throws some light upon the doings in the early part of the seventeenth century of two of the many Scots in Poland whose history is still to be written. The two, Peter Lermond¹ and William Keitz, were doubtless members of the Scottish families of Learmonth and Keith serving in the army of King Sigismund III. of Poland, who, from his claims to the throne of Sweden in the North, and the pressure of the Turks on the South, had great need of foreign soldiers. The introduction of the name Learmonth into Eastern Europe has a special interest of its own also, when we remember the Russian poet Mikhail Yurievitch Lérmontoff (1814-1841), the Poet of the Caucasus, was descended from George Learmonth, who—like the soldier Peter who was probably a relative—entered the service of Poland with sixty Scots and Irishmen,² and afterwards, in 1613, passed into that of Russia.

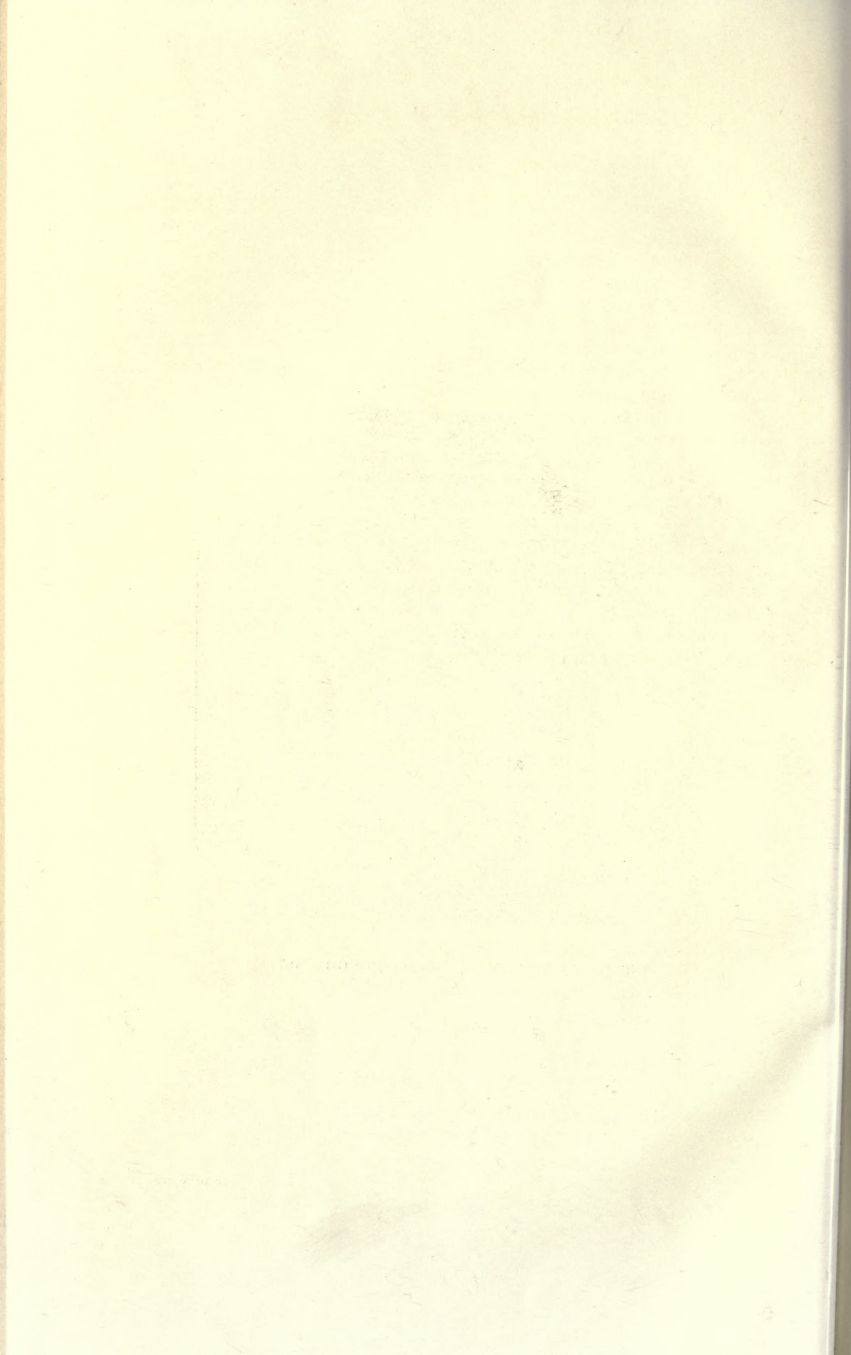
We, Sigismundus the Third, by the grace of God King in Poland, Grand-duke in Lithauen, Russia, Prussia, Massawen (Masovia), Samoitia, Livonia, Wolinia and Lierland Lord, and also of the Swedes, Goths and Wends, King and Grand-duke in Finland, Carelen, Watz, Lipetin and Ingern in Russia, of the Esths in Lierland Duke, send to all and each Palatinate and Princes both Cleric and Lay, prelates, counts, lords, knights, burgo-masters, councillors and others, of whatever dignity they may be, who may see this our open letter, in which they are assured of our friendship, our gracious favour and all good wishes to your beloved countries and yourselves. We hereby declare that we have accepted and named the noble

¹ As Peter Leermonth 'nobilis,' he appears in the Minute books of Marienburg in 1619. v. Fischer's *Scots in Eastern and Western Prussia*, p. 131.

² v. *Russian Literature*, by P. Kropotkin (London, 1905), p. 51. Another, Captain David Learmonth, son of Sir John Learmonth of Balcomie (who died, 1625), is said to have died 'in Germany' (Wood's *East Neuk of Fife*, p. 444.)



INSCRIBED TABLET FOUND IN ROUGH CASTLE



and brave Peter Lermondt as chief Captain over three companies of German soldiers, nine hundred foot soldiers, for the protection of our kingdoms, provinces, countries and people against the hereditary enemy of the Christian name, the Turks. It is therefore necessary that such soldiers should be levied and brought to camp partly outside of, but best in our own countries: the newly named Lermondt has ordered and installed the noble and brave William Keitz as captain. We herewith request your beloved countries and yourselves, also each one individually kindly and graciously, but our own people with authority, that they should allow the aforementioned Lermondt as chief Captain and his captain William Keitz, or the commanders of the same, to levy and enlist the aforementioned soldiers in your beloved countries towns, villages, authorities and realms; also to let the enlisted soldiers pass freely secure and unhindered and direct wherever they may be sent by Lermondt as chief Captain or his ordained captain or the commanders named by them by sea or land, to shelter them hospitably and give them fair and proper payment provision and other necessities; also to give them everywhere good help and furtherance, so that the said soldiers may pass through all the speedier. This we will in all friendship and favour make up to your beloved countries and yourselves. In witness whereof we have signed this with our own signature and have our Royal Seal put thereon. At our Royal Castle of Warschau the 17th. January 1621, of our reign (in the four and thirtieth year of the Polish Calendar and the twenty-eighth of the Swedish Calendar).

A. FRANCIS STEUART.

Notes and Comments

ROUGH CASTLE, two and a half miles west of Falkirk, well deserved the care and labour expended on its exploration by the Society of Antiquaries of Scotland. 'The vast Roman Fort upon the Wall, called Rough Castle,' said the *Itinerarium Septentrionale* of 'Sandy' Gordon, published in 1726, 'for intireness and magnificence exceeds any that are to be seen on the whole Track from sea to sea.' A position naturally favourable for defence was strongly fortified. Having the Antonine Vallum as its northern face, the fort, admirably shown (page 520) in Mr. Mungo Buchanan's plan (reproduced by permission of the Society), consisted of two parts, the fort proper and the annex. The main rampart of the fort is of earthwork 'cespicious' in character on a base of stone like that of the Antonine Vallum itself. Outside of the rampart—west, south, and east—are two fosses. The rampart of the annex differs in structure from that of the fort. Although on a stone foundation it does not show the same mossy lamination, and it has not the double outer ditch of the fort. All the main fosses are of V section. Foundations of buildings in both fort and annex, while scarcely definite enough to warrant specific identifications of parts, exhibit apartments and structures various in size and character, with cross walls, indications of tile floorings, buttresses, hypocaust pillars, flagstone paving, drains, culverts, etc. What are believed to be clear evidences of alterations and additions point to the character and duration of the occupancy—a subject on which the report in the last volume of the Society's *Proceedings* is chary of theorising. Dr. Christison confines himself to a general description and account of this important station, Mr. Buchanan records the facts of the exploration, which owed much of its success to his own work and that of Mr. J. R. MacLuckie, of Falkirk; while Dr. Joseph Anderson registers the potter's marks of earthenware remains and the special features of the glass, bronze, lead, iron, and leather articles—in this instance neither numerous nor important.

The sole inscription previously found associated this station with the sixth cohort of the Nervii. A tablet (page 524) was during the Society's explorations found at the entrance to the building in the fort marked on the plan No. 1. It is of special interest not only as confirming the connection between the Nervians and this fort, but as showing that, in the second century A.D., '*principia*' was probably the true name of the group of buildings in a Roman camp which we have been accustomed to call the '*praetorium*':

[IMP. CAE]SARI. TITO
 [AELIO.] HADRIANO.
 [ANTO]NINO. AVG
 [PIO.] P. P. COH. VI
 [NER]VIORUM. PRI
 [NCI]PIA. FECIT

(In the reign of the Emperor Cæsar Titus Aelius Hadrianus Antoninus Augustus Pius, father of his country, the sixth cohort of Nervii made the headquarters.)

Yet more interesting than this inscription, however, was the discovery of a series of defensive forts (p 524) forming a guard to the north-west side of the approach to the north gate of the fort. There were ten parallel rows with the pits arranged obliquely, so that pit and plain surface alternated either way. This curious feature of the works of Rough Castle was, with surprising exactness, explained by Mr. Haverfield's reference to Cæsar's Commentaries for the pits with sunken stakes, set quincunx fashion, used by Cæsar to strengthen his lines at the siege of Alesia.

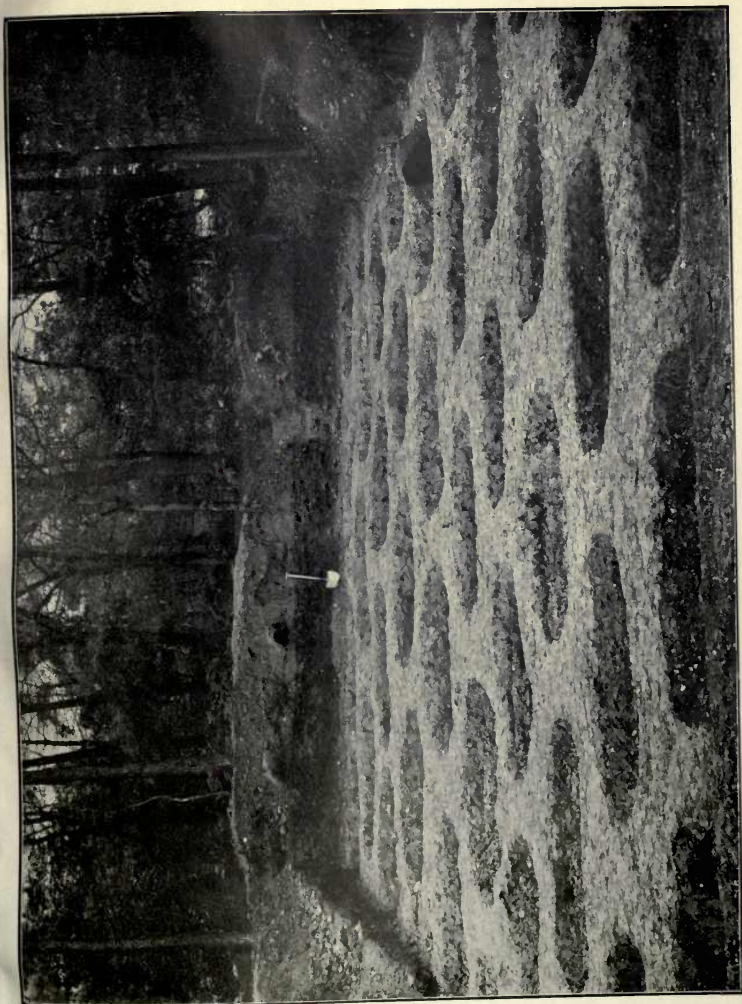
GEORGE BUCHANAN is being very variously honoured as he enters upon his fifth century. As was to be expected the occasion has already produced a number of books. Professor Hume Brown *George Buchanan.* has written a popular sketch expressly for the young—*George Buchanan and His Times* (Edinburgh: Oliphant, Anderson & Ferrier, pp. 96, with portraits, etc., 1s. net)—in which the career of the scholar, historian and politician are briefly traced with attractive simplicity of language, and with the same studied moderation of tone as distinguished the fine biography which the author published in 1895. To the latter work, as of prime authority, all subsequent writers have been profoundly indebted. The late Dr. Robert Wallace, in his unfinished sketch of Buchanan for the Famous Scots series now reprinted (*George Buchanan*, by Robert Wallace, completed by J. Campbell Smith. Quater-Centenary edition. Edinburgh: Oliphant, Anderson & Ferrier, 1906, pp. 150, six illustrations, 1s.), expressly said that he did not pretend to contribute any fresh material, but that his object was to boil down Dr. Hume Brown. This he did, but with constant touches of enthusiasm and characterisation, which mark the posthumous essay as a specially bright biographical estimate. The most considerable recent work on this theme of the hour, however, is *George Buchanan, a Biography*, by Donald Macmillan, M.A., D.D. (Edinburgh: George A. Morton, 1906, pp. ix, 292, 3s. 6d. net), in which a revised judgment is offered on the chief issues dealt with by earlier biographers and critics. The standpoint is, perhaps, rather too obviously clerical, but in popularising and canvassing the older opinions upon the one Scot whom Europe has ever hailed as pre-eminent among the scholars of his time, Dr. Macmillan's review of the evidence will be of service in shaping the new verdict to which a Quater-Centenary Celebration can hardly fail to lead. Time—deadly in the part of Devil's Advocate—seems to have taken his stand definitely on Buchanan's side.

His vigorous survival after four complete centuries is to be scholastically celebrated, as it were, at St. Andrews, where, besides Lord *His Quater* Reay's oration in his honour, there are to be University *Centenary* receptions and the like, as well as a bibliographic exhibition which can hardly fail to be of historical importance. Buchanan was, of course, not only a writer of books himself, but the cause of so many books by others in his own time and since that a bibliography is now a spacious task. In Glasgow the proposed celebrations (not a little due to the initiative of Lord Provost Bilsland) are on a purposely subordinate scale and embrace an archaeological visit in August to the Moss, Killearn, where Buchanan was born, and an anniversary address in November by the Rev. Principal Lindsay in connection with the Historical Society of the University of Glasgow. A special Committee in Glasgow has in charge the preparation of a Memorial Volume or 'Festschrift' to contain along with Dr. Lindsay's address a number of documents and special essays. Contributions by Prof. Hume Brown, Sir Archibald Lawrie, Dr. David Murray and others are expected—the papers including unprinted texts and charters relative to Buchanan, notes on books belonging to or gifted by him, the reprint of at least one very rare pamphlet shewing his poetical influence, discussion of the provenance and effect of his political doctrine, and other first-hand studies in the history and literature of his time. We are authorised to state that the Committee will be pleased to consider any contributions on those lines which may, not later than 1st September, be offered or submitted to them by students of Buchanan or of the intellectual movement he represents.

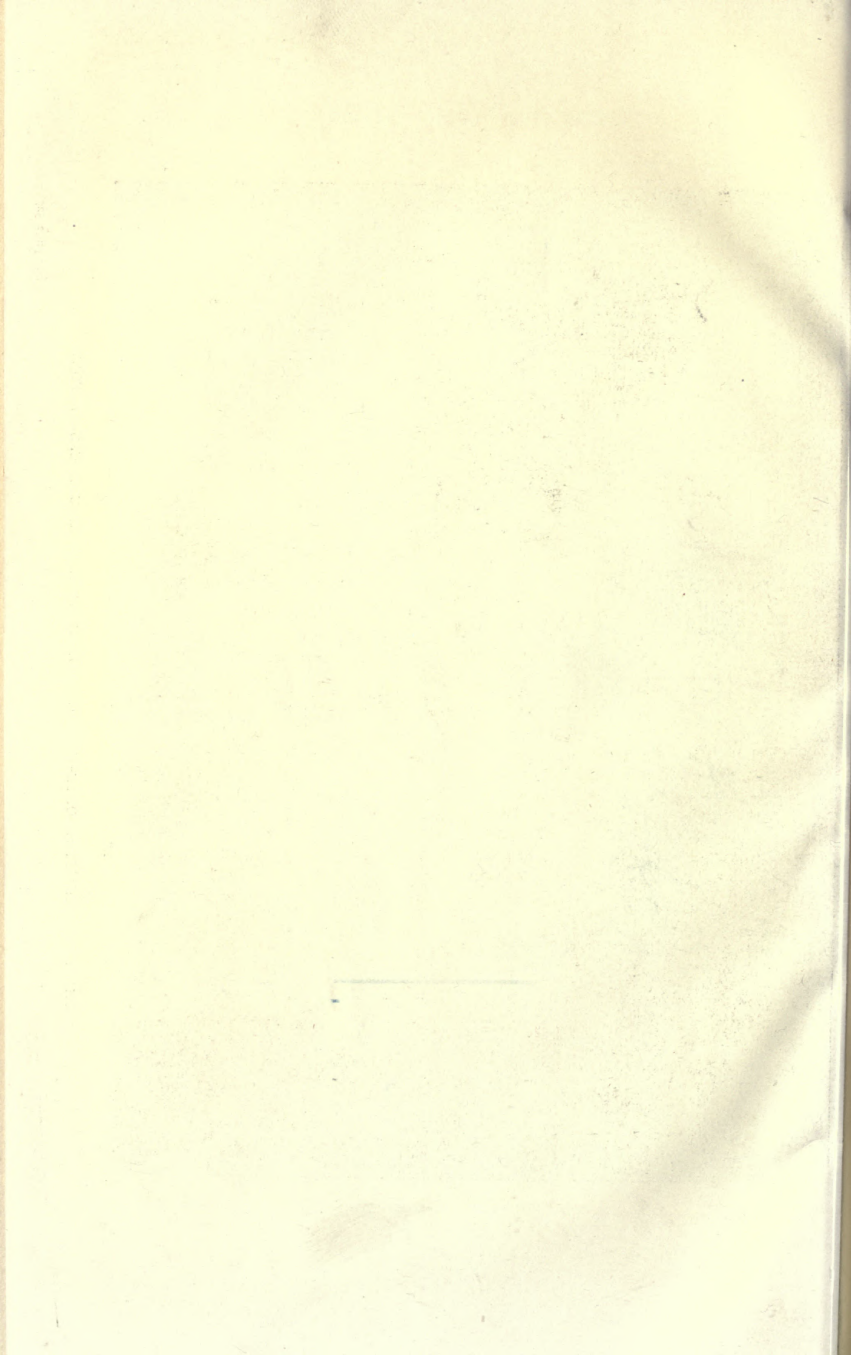
MR. H. E. EGERTON, M.A., Beit Professor of Colonial History in the University of Oxford, has published at the Clarendon Press his *Colonial History* inaugural lecture, *The Claims of the Study of Colonial History upon the Attention of the University of Oxford* (pp. 32, 1s. net). He protests against the Oxford curriculum for dealing with 'English history only as far as the accession of Queen Victoria.' His thesis that for colonial history the year 1837 is an impossible limit establishes easily a foregone conclusion. We have often no great sympathy with ultra-patriotic outcry against a broad application of the word 'England,' but what excuse is there for the use of the term the 'English Empire,' by any person presumably exact, speaking from a chair of history?

THE RYMOUR CLUB, EDINBURGH, has been formed to 'gader the releifs [fragments] thatt ar left that thai perische nocht'—in other words, to collect waifs and strays of traditional rimes and popular airs. Printed for members only, the first part of their *Miscellanea* contains reminiscences of children's chants, and the gallant ballad of Jack Munro. Mr. A. H. Millar contrasts the original and improved versions of 'Within a Mile o' Edinboro' Town.' There is clearly a field for useful work by the Club, which bids fair to earn the benison of students of Scottish folk-lore.

5-28a



THE PITS (LILIA) TO NORTH-WEST OF NORTH GATE OF ROUGH CASTLE FORT



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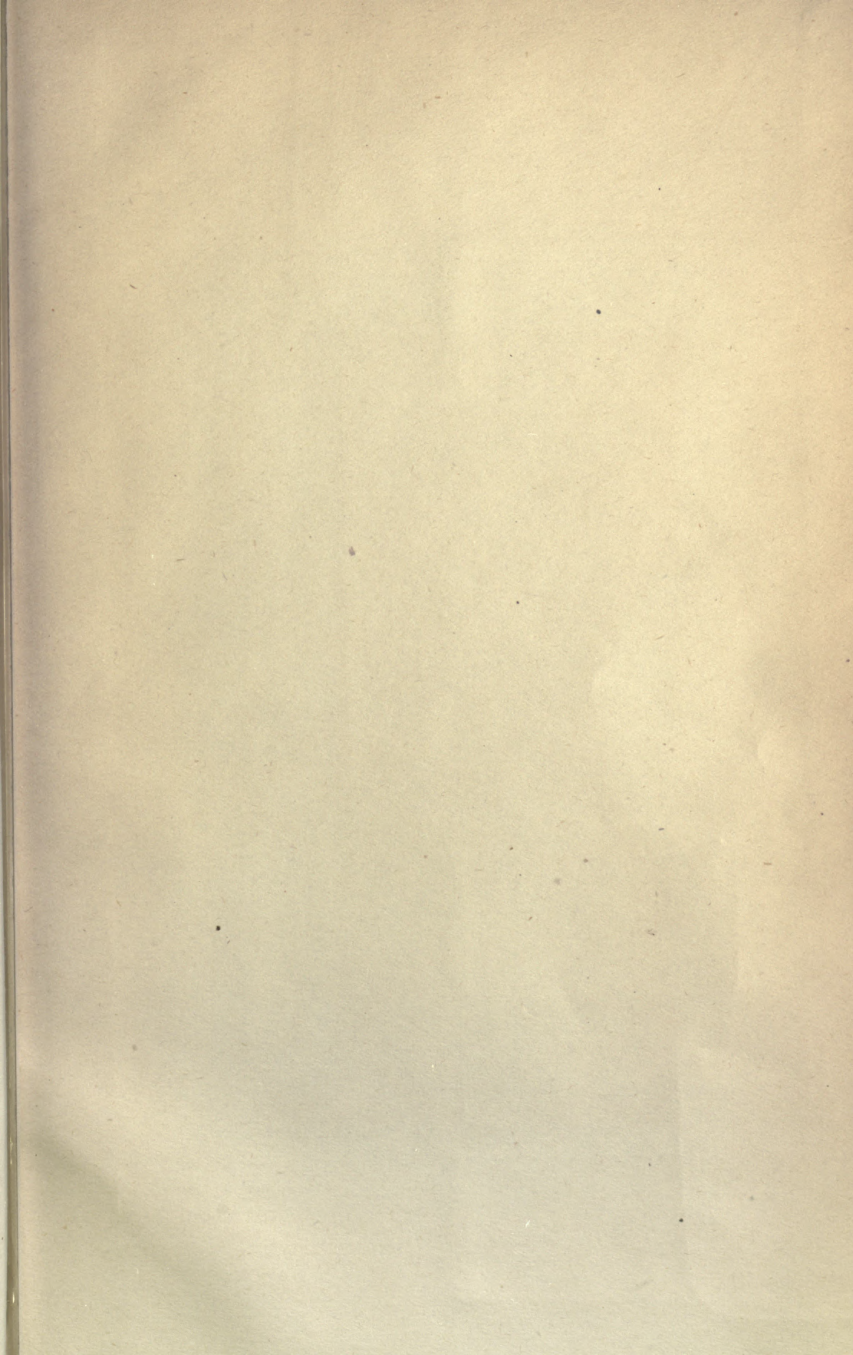
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