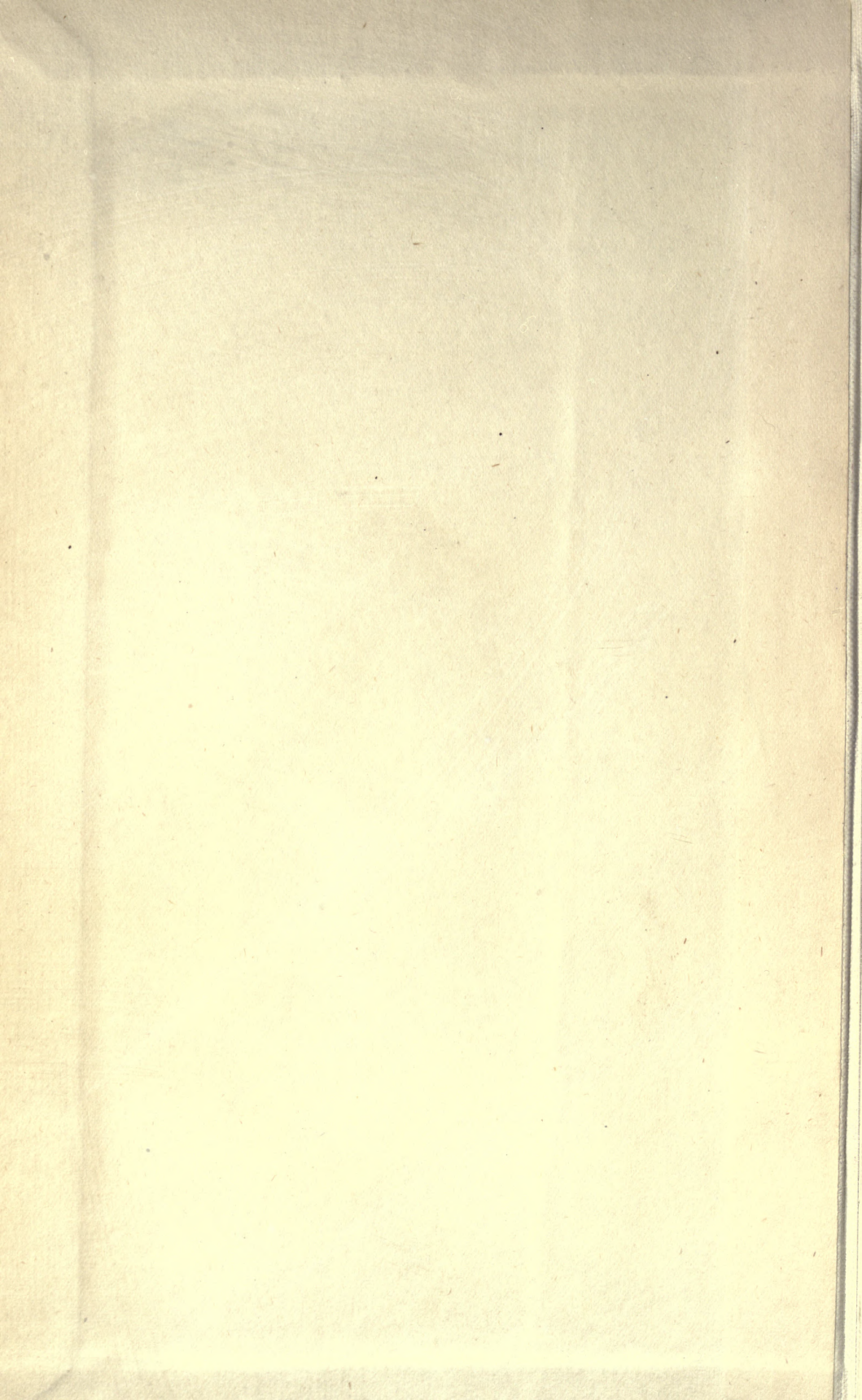


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Lord Elgin in Canada.¹ 1847-1854.

EARLY chapters in the history of the British Empire have as their heroes desperadoes, soldiers, men of exciting personality and external achievement; for in an irrational world the drum and trumpet play a very real part. But when warfare has died down into administration, and administration has begun to assume its more democratic forms, the new leaders, who lack the bustle and circumstance of the earlier men, make less impression on the popular mind, and the modern world enters into the fruit of their labours forgetful of men too civilized to be impressive.

Of such too readily forgotten statesmen, the eighth earl of Elgin and Kincardine is one of the foremost. He dominated Canada during seven critical years in the most critical period of Canadian history—1841-1867; but since his work was not that of war but only of its prevention, and of the creation of Canadian self-government, he has been relegated to the background of history, to make room for more romantic figures. It is time to restore him to his rightful place of pre-eminence.

The Canadian episode in Elgin's career furnishes the most perfect and permanently useful service rendered by him to the

¹ I desire to acknowledge the debt which this sketch owes to Dr. A. G. Doughty of the Dominion Archives, Ottawa, through whose courtesy I was permitted to read all the Elgin Papers deposited with him. The volumes of Elgin-Grey Correspondence, at present being prepared at Ottawa for publication by Dr. Doughty and Dr. Adam Shortt, will be one of the most important contributions to the history of the Empire made in recent years.

Empire. Although he gathered laurels in China and India, and earned a notable place among the diplomatists of Britain, nothing that he did is so representative of the whole man, so useful to others, and so completely rounded and finished off as are the seven years of hard work in Canada. Elsewhere he did work which others had done, or might have done, as well. But in the history of the self-governing dominions of Britain, his name is almost the first of those who assisted in creating an Empire the secret of whose strength was to be local autonomy.

Elgin belonged to the greatest group of nineteenth century politicians—early Victorians their self-appreciative critics now call them. With Gladstone, Canning, Dalhousie, Herbert, and others, he served his apprenticeship under Sir Robert Peel. All of that younger generation reflected the sobriety, the love of hard fact, the sound but progressive conservatism, and the high administrative faculty of their great master. It was an epoch when changes had to come; but the soundest minds tended, in spite of a vehement English party tradition, to view the work ahead of them in a non-partizan spirit. Gladstone himself, for long, seemed about to repeat the party-breaking record of Peel; and three great proconsuls of the group, Dalhousie, Canning, and Elgin, found in imperial administration a more congenial task than Westminster could offer them. Elgin occupies a mediate position between the administrative careers of Dalhousie and Canning, and the Parliamentary and constitutional labours of Gladstone. He was that strange being, a constitutionalist proconsul; and his chief work in administration lay in so altering the relation of his office to Canadian popular government, as to take from it much of its initiative, and to make a great surrender to popular opinion. Between his arrival in Montreal at the end of January, 1847, and the writing of his last official despatch on December 18, 1854, he had established on sure foundations the system of democratic government in Canada.

Following on a succession of short-lived and troubled governorships, Elgin was faced, on his accession to power in 1847, with the three great allied problems with which Canada then confronted her English governors—the character of the government to be conceded to the colonists, the question of the recognition to be given to, or withheld from, French nationalist feeling, and the nature of the connection with her colonies, which surrenders to local feeling on the first and second points, would leave to the mother country. All three difficulties took additional significance

from the fact that the example of Canada was certain, *mutatis mutandis*, to be followed by the other greater colonies of the British race.

On the first issue Elgin found opinion in a highly aggravated condition. The rebellion of 1837 had made it plain that the former grant of semi-representative government was useless, unless British statesmen were willing to let representative government be followed by its necessary consequence—a ministry representing the majority in the popular assembly, accepted and consulted by the local representative of the Crown. But neither Whigs nor Tories were prepared to make so complete a surrender to local autonomy. A considerable section of the colonists had but lately made armed resistance to British government, and many, especially among the French leaders, had been at least suspects in 1837 and 1838. The Canadian community was still in its immature youth, and its leaders had had few opportunities of learning political methods—except perhaps, which was worse than ignorance, some democratic crudities from the United States. The population was composed of Frenchmen who had already rebelled, Irishmen whose conduct at home and in America under the stimulus of famine and nationalist agitation could hardly have been more threatening, and if there were Scotch and English in Upper Canada, the majority had come from the unenfranchised classes in Britain, and were of the submerged three-fourths—the helots of English politics. At best, government could be entrusted only to very carefully selected representatives of this sub-political mass. A popular assembly might state its views, but how could the Governor-General accept its dictation in the making of his Executive Council?

A constitutional subtlety complicated the general situation, arising from the difference between the relations of the ministers to the Crown in Britain, and of the ministers to the Governor-General in Canada. Lord John Russell defined the point in a famous despatch to Poulett Thomson, the first governor of the United Provinces.¹ 'The power for which a minister is responsible in England is not his own power, but the power of the Crown, of which he is for the time the organ. It is obvious that the executive councillor of a colony is in a situation totally different. The Governor, under whom he serves, receives his orders from the Crown of England; but can the colonial council be the advisers of the Crown of England? Evidently not, for

¹ Russell to Poulett Thomson (later, Lord Sydenham), 14 October, 1839.

the Crown has other advisers, for the same functions, and with superior authority.'

This constitutional point, operating in conjunction with the natural unwillingness of Britain to let colonists usurp too much authority in what were, after all, imperial concerns, created a curious dilemma for Russell, fresh from democratic innovations in Britain itself. Russell centred his hopes on mutual forbearance—'The Governor must only oppose the wishes of the Assembly when the honour of the Crown, or the interest of the empire are deeply concerned; and the Assembly must be ready to modify some of its measures for the sake of harmony, and from a reverent attachment to the authority of Great Britain.'¹

But opportunism is useless where a direct political principle is at stake, where the home government has avowedly gone half way towards concession, and where they refuse, on principle, to complete their surrender. The very reason which drives them to resist further concession, must force the colonial democrats to insist on their rights. From 1841 to 1846, a battle royal raged over this ground.² Sydenham, one of the ablest servants of the empire in his time, accepted Russell's principle, and, combining in his own person the offices of Governor-General and Prime Minister, attempted at once to maintain the dignity of the Governor, that is, the predominance of the mother country, and by management and occasionally by subtle corruption, to placate the local Progressive party. After a brilliant Parliamentary session—that of 1841—he found his cabinet on the brink of defeat; only a premature death saved him from confessing his failure. His successor, Bagot, surrendering in the face of orders to the contrary from the colonial office, was endured at home for a short year; and, on his retirement through ill health, Sir Charles Metcalfe, who followed him, came to maintain, and more than maintain, Lord John Russell's *status quo*, backed by the entire approval of Stanley, who was then administering the Colonial Office with all his power of brilliant and doctrinaire short-sightedness. Unfortunately for Metcalfe and Stanley, a Progressive party had organized itself in the province of Upper and Lower Canada, with the demand for 'responsible government' as the main plank in their platform—Robert Baldwin, a conscientious, sure-footed Whig lawyer, leading Upper Canadian

¹ Russell to Poulett Thomson, 14 October, 1839.

² For the conflict, see Scrope, *Life of Lord Sydenham*; Kaye, *Life of Metcalfe*; and Dent, *Forty Years of Canada*.

resistance to Government, and Lower Canada finding in La Fontaine a French leader who had learned, and could teach his followers, how to resist on constitutional lines. The personal influence of Metcalfe, based on his great generosity and single-mindedness, the assistance of all the old Canadian Tories, and the uncomfortable feeling that the Progressives were, somehow or other, disloyal, held Canada in a state of unstable equilibrium. But this could hardly endure.

When Elgin arrived in 1847 the alternatives were a grant of really responsible government, or a rebellion, with annexation to the United States as its probable end. The new Governor saw very clearly the dangers of his predecessor's policy. 'The distinction,' he wrote at a later date, 'between Lord Metcalfe's policy and mine is twofold. In the first place he profoundly distrusted the whole Liberal party in the province—that great party which, excepting at extraordinary conjunctures, has always carried with it the mass of the constituencies. He believed its designs to be revolutionary, just as the Tory party in England believed those of the Whigs and Reformers to be in 1832. And secondly, he imagined that when circumstances forced the party upon him, he could check these revolutionary tendencies by manifesting his distrust of them, more especially in the matter of the distribution of patronage, thereby relieving them in a great measure from that responsibility which is in all free countries the most effectual security against the abuse of power, and tempting them to endeavour to combine the rôle of popular tribunes with the prestige of ministers of the crown.'¹

And Metcalfe's anti-democratic policy had been something more than the expression of a personal mood; for when Gladstone, then for a few months Colonial Secretary, wrote to instruct Cathcart, who was acting Governor in succession to Metcalfe, he assured him that 'the favour of his sovereign and the acknowledgment of his country, have marked (Metcalfe's) administration as one which, under the peculiar circumstances of the task he had to perform, *may justly be regarded as a model for his successors.*'² In truth, the British Colonial Office was not only wrong in its working theory, but ignorant of the boiling tumult of Canadian opinion in these days, the steadily increasing vehemence of the demand for true home rule, and the enormous risk which existed,

¹ Elgin-Grey Corr.: Elgin to Grey on Grey's Colonial Policy, 8 October, 1852.

² Gladstone to Cathcart, 3 February, 1846. The italics are my own.

that French nationalism, Irish nationalism, and American aggression, would be united in the agitation until the political tragedy should find its consummation in another Declaration of Independence.

Never was man better fitted for his work than Elgin. He came, a Scotsman to a colony one-third Scottish, and the name of Bruce was itself soporific to a perfervid section of the reformers. His wife was the daughter of Lord Durham, whom Canadians regarded as the beginner of a new age of Canadian constitutionalism. He had been appointed by a Whig Government, and Earl Grey, the new Colonial Secretary, was already learned in liberal theory, both in politics and economics, understanding that Britons, abroad as at home, must have liberty to misgovern themselves. 'However unwise as relates to the real interests of Canada their measures may be,' he wrote to Elgin *a propos* of an early crisis, 'they must be acquiesced in, until it shall pretty clearly appear that public opinion will support a resistance to them.'¹ Besides all this, Elgin's personal qualities were precisely those best fitted to control a would-be self-governing community. He had the Scottish gifts of caution and pawky humour. He had, to an extraordinary degree, the power of seeing both sides, and more especially the other side, of any question. In Canada, too, as later in China and India, he exhibited qualities of humanity which some might term quixotic, and which are certainly often lacking in proconsular minds.² And, as will be illustrated very fully below, his gifts of tact and *bonhomie* made him one of the most notable diplomatists of his time, and gave Britain at least one clear diplomatic victory over America.

His solution of the constitutional question was so natural and easy that the reader of his despatches forgets how completely Elgin's task had baffled all his predecessors, and that several generations of colonial secretaries had refused to admit what in his hands seems a self-evident constitutional truth. He came to Canada with a traditional suspicion of the French Canadians and the British Canadian Progressives, and within a year he had accepted a cabinet composed entirely of these two sections. On his way to the formation of that cabinet he had not only brushed aside old suspicions, but he had refused to surrender to the seductions of the eclectic principle, whereby his predecessors had

¹ Elgin-Grey Corr. : Grey to Elgin, 22 February, 1848.

² Walrond, *Letters and Journals of Lord Elgin*, p. 424. 'During a public service of twenty-five years I have always sided with the weaker party.'

evaded the force of popular opinion by selecting representatives of all shades of that opinion—a plan which in practice secured individuals, but severed them in sympathy from the parties which they were supposed to represent. It was important, he saw, to remove that ‘most delicate and debatable subject’ responsible government from the region of party politics; and he did this by conceding the whole position. ‘I never cease,’ he wrote of Sydenham’s policy, ‘to marvel what study of human nature, or of history, led him to the conclusion that it would be possible to concede to a pushing and enterprising people, unencumbered by an aristocracy, and dwelling in the immediate vicinity of the United States, such constitutional privileges as were conferred on Canada at the time of the Union, and yet to restrict in practice their powers of self-government as he proposed.’¹

When his first general election proved beyond a doubt that Canadians desired a Progressive ministry, he made the change in 1848 with perfect success. It was the year of revolution, and the men whom he called to advise him were ‘persons denounced very lately by the Secretary of State to the Governor-General as impracticable and disloyal’;² but before the year was out he was able to boast ‘that when so many thrones are tottering and the allegiance of so many people is waxing faint, there is less political disaffection in Canada than there ever was before.’³ From 1848 until the year of his recall he remained in complete accord with this Liberal administration, and never was constitutional monarch more intimately and usefully connected with his ministers than was Elgin, first with Baldwin and La Fontaine, and then with Hincks and Morin.

Elgin gave a rarer example of what fidelity to colonial constitutionalism meant. In these years of Liberalism, ‘Old Toryism’ faced a new strain, and faced it badly. The party had supported the empire, when that empire meant their supremacy. They had befriended the representative of the Crown, when they had all the places and profits. When the British connexion took a liberal colour; when the Governor-General acted constitutionally towards the undoubtedly progressive tone of popular opinion, some of the Tories became annexationists; many of them, as will be shown later, encouraged a dastardly assault on the person of their official head; and all of them, supported by gentlemen of Her

¹ Elgin-Grey Corr. : Elgin to Grey, 26 April, 1847.

² Elgin-Grey Corr. : Elgin to Grey, 5 February, 1848.

³ Elgin-Grey Corr. : Elgin to Grey, 29 June, 1848.

Majesty's army,¹ treated the representative of the Crown with the most obvious lack of courtesy. Nevertheless, when opinion changed, and when a coalition attacked and unseated the great Progressive ministry of 1848-1854, Elgin, without a moment's hesitation, turned to the men who had insulted and miscalled him. 'To the great astonishment of the public, as well as to his own,' wrote Laurence Oliphant, who was then on Elgin's staff, 'Sir Allan M'Nab, who had been one of his bitterest opponents ever since the Montreal events, was sent for to form a ministry—Lord Elgin by this act satisfactorily disproving the charges of having either personal or political partialities in the selection of his ministers.'²

But the first great constitutional Governor of Canada had to interpret constitutionalism as something more than mere obedience to public dictates with regard to his councillors. He had to educate these councillors, and the public, into the niceties of British constitutional manners, and he had to create a new vocation for the Governor-General—the exchange of dictation for rational influence. He had to teach his ministers moderation in their measures, and, indirectly, to show the opposition how to avoid crude and extreme methods in their fight for office. When his high political courage, in consenting to a bill very obnoxious to the opposition, forced them into violence, he kept his temper and his head, and the opposition leaders learned, not from punishment, but from quiet contempt, to express dissent in modes other than those of arson and sticks and stones. For seven years, in modes so restrained as to be hardly perceptible even in his private letters to Grey, he guided these first experimental cabinets into smooth water, and when he left, he left behind him politicians trained by his own efforts to govern Canada according to British usage.

At the same time his influence on the British Cabinet was as quiet and certain. He was still responsible to the British Crown and Cabinet, and a weaker man would have forgotten the problems which the new Canadian constitutionalism was bound to create there. Two instances will illustrate the point, and Elgin's clear perception of his duty. They are both taken from the Rebellion Losses Bill episode, and the Montreal riots, of 1849. The Bill which caused the trouble

¹ He refers to 'military men; most of whom, I regret to say, consider my ministers and myself little better than rebels' (11 June, 1849).

² *Episodes in a Life of Adventure*, p. 75.

had been introduced to complete a scheme of compensation for all those who had suffered loss in the late Rebellion, whether French or English, and had been passed by majorities in both houses; but while there seemed no valid reason for disallowing it, Elgin suspected trouble—indeed, at first, he viewed the measure with personal disapproval.¹ He might have refused permission to bring in the Bill; but ‘only imagine,’ he wrote, ‘how difficult it would have been to discover a justification for my conduct, if at a moment when America was boiling over with bandits and desperadoes, and when the leaders of every faction in the Union, with the view of securing the Irish vote for the presidential election, were vying with each other in abuse of England, and subscribing funds for the Irish Republican Union, I had brought on such a crisis in Canada by refusing to allow my administration to bring in a bill to carry out the recommendation of Lord Metcalfe’s commissioners.’² He might have dissolved Parliament, but ‘it would be rather a strong measure to have recourse to it (dissolution) because a Parliament elected one year ago under the auspices of the present opposition passed by a majority of more than two to one a measure introduced by the Government.’³ He might have reserved the bill for rejection or approval at home; but ‘I should only throw upon Her Majesty’s Government, or (as it would appear to the popular eye here) on Her Majesty herself, a responsibility which rests, and ought I think to rest, on my own shoulders.’⁴ He gave his assent to the Bill, suffered personal violence at the hands of the Montreal crowd and the opposition, but, since he stood firm, he triumphed, and saved both the dignity of the Crown and the friendship of the French for his government.

The other instance of his skill in dovetailing Canadian autonomy into British supremacy is less important, but, in a way, more extraordinary in its subtlety. As a servant of the Crown, he had to furnish despatches, which were liable to be published as Parliamentary papers, and so to be perused by Canadian

¹The obvious point, made by the Tories in Canada, and by Gladstone in England, was that the new scheme of compensation was certain to make recompense to many who had actually been in arms in the Rebellion, although their guilt might not be provable in a court of law. See Gladstone’s speech, *Hansard*, 14 June, 1849.

²Elgin to Grey, concerning Grey’s Colonial Policy, 8 October, 1852. Metcalfe’s policy on the rebellion losses had really forced Elgin’s hand.

³Elgin-Grey Corr., 14 March.

⁴*Ibid.*

politicians. Elgin had therefore to reckon with two publics—the British Parliament, which desired information, and the Canadian Parliament, which desired to maintain its dignity and freedom. Before the outrage, and when it was extremely desirable to leave matters as fluid as possible, Elgin simply refrained from giving details to the Colonial Office. ‘I could not have made my official communication to you in reference to this Bill, which you could have laid before Parliament, without stating or implying an irrevocable decision on this point. To this circumstance you must ascribe the fact that you have not heard from me officially.’¹ Even more shrewdly, at a later date, he made Grey cancel, in his book on Colonial Policy, details of the outrage which followed the passing of the Act; for, said he, ‘I am strongly of opinion that nothing but evil can result from the publication, at this period, of a detailed and circumstantial statement of the disgraceful proceedings which took place after the Bill passed. . . . *The surest way to arrest a process of conversion is to dwell on the errors of the past, and to place in a broad light the contrast between present sentiments and those of an earlier date.*’² In constitutional affairs manners make, not merely the man, but the possibility of government; and Elgin’s highest quality as a constitutionalist was, not so much his understanding of the instrument of government, as his knowledge of the constitutional temper, and the need within it of humanity and common-sense.

Great as was Elgin’s achievement in rectifying Canadian constitutional practice, his solution of the nationalist difficulty in Lower Canada was possibly a greater triumph of statesmanship; for the present *modus vivendi*, which still shows no signs of breaking down, dates from the years of Elgin’s governorship. The earlier nineteenth century was pre-eminently the epoch of nationalism. Italy, Germany, and Hungary, with Mazzini as their prophet, were all struggling for the acknowledgment of their national claims, and within the British Islands themselves, the Irish nationalists furnished, in Davis and the writers to *The Nation*, disciples and apostles of the new gospel. It is always dangerous to trace European influences across the Atlantic; but there is little doubt that the French rebellion of 1837 owed something to Europe; and the arch-rebel Papineau’s paper, *L’Avenir*, echoes, in an empty blustering fashion, the cries of the nationalistic revolution

¹ Elgin-Grey Corr., 12 April, 1849.

² Elgin to Grey concerning Grey’s Colonial Policy, 8 October, 1852. The italics are my own.

of 1848.¹ The defeats of 1837 and 1838, followed by the union of Quebec with Upper Canada, seemed to have settled matters by external force ; but the French were far from being satisfied.

Durham, in his *Report*, had calculated on the problem being solved by the absorption of the stationary French nation in a rapidly increasing British population. But he had forgotten that from the Quebec Act of 1774 England had systematically fostered French and Catholic feeling as against American democracy ; and—a mere physical inconvenience, but one hard to remedy—that the French birth-rate was in excess of that of the Anglo-Saxon colonists. Sydenham, the initiator of union, acted in accordance with Durham's speculations ; and, finding no readiness among the French to meet his wishes, contrived to array against him the whole 'Canadian' nation. In the words of his successor, under whose short regime there were some signs of improvement, 'he treated those [Frenchmen] who approached him with slight and rudeness, and thus he converted a proud and courteous people—which even their detractors acknowledge them to be—into personal and irreconcilable enemies.'² More perhaps by accident than by real political affinity, the French under their great Parliamentary leader, La Fontaine, made a close alliance with the British reformers under Robert Baldwin, which not all the efforts of wily Tory managers could destroy. Hence, in the fierce struggle for responsible government under Sir Charles Metcalfe, the French fought side by side with their reforming allies, and the temporary check to constitutionalism was also a new reason for keener French nationalist feeling.

Elgin, then, found on his arrival that British administration (and it must be remembered that Stanley at home had been as blameworthy as Metcalfe in Canada) had flung every element in French-Canadian politics into headlong opposition to itself. How dangerous the situation was, one may gather from the disquieting rumours of United States ambitions, and from the Irish troubles and passions which floods of unkempt and wretched immigrants were bringing with them to their new homes in America. Elgin's second year of office, 1848, was *the* year of nationalism in Europe ; and he had to face the possibility of a '48 rising under the old leaders of '37. His solution of the difficulty proceeded *pari passu* with his constitutional work. In the

¹ Elgin kept very closely in touch with the sentiments of the Canadian press, French and English. See his letters, *passim*.

² Bagot to Stanley [confidential], 26 September, 1842.

latter, he had seen that he must remove the disquieting subject of 'responsible government' from the party programme of the Progressives, and the politic surrender of 1847 had gained his end. Towards French nationalism he acted in the same spirit. Of the French politicians he wrote: 'They seem incapable of comprehending that the principles of constitutional government must be applied against them as well as for them; and whenever there appears to be a chance of things taking this turn, they revive the ancient cry of nationality, and insist on their right to have a share in the administration, not because the party with which they have chosen to connect themselves is in the ascendant, but because they represent a people of distinct origin.'¹

But how could this pathological phase of nationalism be ended? His first Tory advisers suggested the old trick of making converts—*les Vendus* their countrymen used to call them—but the practice had long since been found useless. His next speculation was whether the French could, as Liberals or Tories, be made to take sides, apart altogether from nationalist considerations. But, after all, the political solidarity of the French had only been a kind of trades-unionism to guard French interests against an actual menace to their very existence as a nation within the empire; and they were certain to act only with Baldwin and his friends, the one party which had regarded them as being other than traitors, or suspects, or at best tools.

No complete solution of the problem was possible, but when Elgin surrendered to the Progressives, he was conceding also to the French—by admitting them to a recognised place within the constitution, and doing so without reservation. From that moment he and Canada were safe. He remained doubtful during part of 1848, for the notorious Papineau had been elected by acclamation to the Parliament which held its first session that year; and he 'had searched in vain . . . through the French organs of public opinion for a frank and decided expression of hostility to the anti-British sentiments propounded in Papineau's address.'² He did not at first understand that La Fontaine, not Papineau, was the French leader, and that the latter represented only himself and a few *Rouges* of vague and unsubstantial revolutionary opinions. Nevertheless, he gave his French ministers his confidence, and he applied his singular powers of winning men to appeasing French discontent. As early as May, 1848, he saw

¹ Elgin-Grey Corr. : Elgin to Grey, 28 June, 1847.

² Elgin-Grey Corr. : Elgin to Grey, 7 January, 1848.

how the land lay—that French Canada was fundamentally conservative, and that discontent was mainly a consequence of sheer stupidity and error on the part of England. ‘Who will venture to say,’ he asked, ‘that the last hand which waves the British flag on American ground may not be that of a French Canadian.’¹

But his final settlement of the question came with 1849, and the introduction of that Rebellion Losses Bill which has been already mentioned. The measure was, in the main, an act of justice to French sufferers, for they had naturally shared but slightly in earlier and partial schemes of compensation; and the opposition was directed quite frankly against the French inhabitants of Canada as traitors, who deserved, not recompense, but punishment. Now there were many cases like that of the village of St. Benoit, the safety of which Sir John Colborne had guaranteed when he occupied it for military purposes, but which, in his absence, the loyalist volunteers had set on fire and destroyed. The inhabitants might be disloyal, but in the eyes of an equal justice a wrong had been done, and must be righted. The idea of the bill was not new—it was not Elgin’s bill; and if his predecessors had been right, then the French politicians were justified in claiming that its system of compensation must be followed till all legitimate claims had been met.

It would be disingenuous to deny that Elgin knew what an effect his support of the bill would have in Lower Canada. ‘I was aware of two facts,’ he told Grey in 1852: ‘Firstly, that M. La Fontaine would be unable to retain the support of his countrymen if he failed to introduce a measure of this description; and secondly, that my refusal would be taken by him and his friends as a proof that they had not my confidence.’ But it seems to me that his chief concern was to hold the balance level, to redress an actual grievance, and to repress the fury of British-Canadian Tories whose unrestrained action would have flung Canada into a new and complicated struggle of races and parties. ‘I am firmly convinced,’ he told Grey in June, speaking of American election movements at this time, ‘that the only thing which prevented an invasion of Canada was the political contentment prevailing among the French Canadians and Irish Catholics’; and that political contentment was the result of Elgin’s action in supporting his ministers. Judicial restraint raised to a heroic degree had enabled Elgin to do the French what they counted a great service; and the rage and disorder of the opposition only

¹ Elgin-Grey Corr. : Elgin to Grey, 4 May, 1848.

played the more surely into the Governor's hands, and established, beyond chance of alteration, French loyalty to Elgin.¹

From that day to this, although there have been incidents, party moves, and imprudences, French and British in Canada have played the political game together. It was in the great Baldwin-La Fontaine ministry that the joint action, within the Canadian parties, of French and British, had its substantial beginning; and while the traditions and idiosyncrasies of Quebec were too ingrained and notable to suffer change beyond a certain point, the constitutional system was henceforth based on the mutual support, whether among Tories or Liberals, of French and English. It was from this point too that Elgin was able to discern the conservative genius of the French people, and to prophesy—when once Baldwin's Whig influence had withdrawn—the union between the French and the moderate Conservatives, on which John A. Macdonald based his long and imperial control of power in Canada.

The nationalist question is so intermingled with the constitutional, that it is not always easy to separate the two issues; but a careful study of the Elgin-Grey correspondence proves that the same qualities which settled the latter difficulty ended also French grievances—saving common-sense which did not refuse to do the obvious thing; *bonhomie* which understood that a well-mannered people may be wooed from its isolation by a little humouring; a mind resolute to administer to every British subject equal rights; and an austere refusal to let arrogant and self-appreciative Toryism claim to itself a kind of oligarchic glory at the expense of citizens less Anglo-Saxon than itself.

There is a third aspect of Elgin's work in Canada, of wider scope than either of those already mentioned, and one in which his claims to distinction have been almost forgotten. That is, his services to the working theory of the British Empire. He was one of those earlier sane imperialists, whose claims some recent noisy demonstrators have found it easy to disregard. It is not too much to say that, when Elgin came to Canada, the future of the British colonial empire was a very open question. Politicians at home had placed in front of themselves an awkward dilemma. According to the stiffer Tories, the colonies must be held in with a firm hand—how firm, Stanley had illustrated in his administration of Canada. Yet Tory stiffness naturally produced colonial

¹ See an interesting reference in a letter from India to Sir Charles Wood; Walrond, *op. cit.* pp. 419-20.

discontent, and a very natural doubt at home as to the possibility of holding the colonies by such methods. On the other hand, there were those, like Cobden, who while they believed with the Tories that colonial home-rule was certain to result in colonial independence, were nevertheless too loyally *laissez faire* men to resist colonial claims. They looked to an immediate but peaceful dissolution of the empire.

It is curious (the more so because of the great names connected with this view) to find Grey writing in 1849 to Elgin: 'Unfortunately there begins to prevail in the House of Commons, and, I am sorry to say, in the highest quarters, an opinion (which I believe to be utterly erroneous) that we have no interest in preserving our colonies, and ought therefore to make no sacrifice for that purpose. Peel, Graham, and Gladstone, if they do not avow this opinion as openly as Cobden and his friends, yet betray very clearly that they entertain it, nor do I find some members of the Cabinet free from it.'¹ It never seemed to strike anyone but a few Radicals like Durham and Buller, that Britons still retained British sentiments, even across the seas, and that they desired both to 'live under the flag,' and, at the same time, to retain those popular rights in government which they possessed at home. A Canadian Governor-General, then, had to deal with British Cabinets, which alternated between foolish rigour and foolish slackness, and with politicians who never reflected on the responsibilities of empire when they flung before careless British audiences irresponsible discussions on colonial independence—as if it were an academic subject and not a critical issue.

Elgin had imperial difficulties, all his own, to make his task more complicated. Not only were there French and Irish nationalists ready for agitation; but the United States lay across the southern border; and annexation to that mighty and flourishing republic seemed to many the natural euthanasia of British North American rule. Peel's great reforms in the tariff had rekindled annexationist talk; for while Lord Stanley's bill of 1843 had 'attracted all the produce of the west to the St. Lawrence' by its colonial preference, 'Peel's bill of 1846 drives the whole of the produce down the New York channels of communication... ruining at once mill-owners, forwarders, and merchants.'² And every petty and personal disappointment, every error in Colonial Office administration, sent a new group to cry down the British

¹ Elgin-Grey Corr.: Grey to Elgin, 18 May, 1849.

² Elgin-Grey Corr.: Elgin, 16 November, 1848.

system, and to call for a peaceful junction with the United States.

Elgin had not been long in Canada before he saw one important fact—that the real annexationist feeling had commercial, not political roots. Without diminishing the seriousness of the situation, the discovery made it more susceptible of rational treatment. A colony suffering a severe set-back in trade found the precise remedy it looked for in transference of its allegiance. ‘The remedy offered them,’ wrote Elgin, ‘is perfectly definite and intelligible. They are united to form part of a community which is neither suffering nor free-trading . . . a community, the members of which have been within the last few weeks pouring into their multifarious places of worship, to thank God that they are exempt from the ills which affect other men, from those more especially which affect their despised neighbours, the inhabitants of North America, who have remained faithful to the country which planted them.’¹ With free-trade in the ascendant, and possibly correct, Elgin had to dismiss schemes of British preference from his mind; and, towards the end of his rule, when American economics and politics were irritating the Canadian mind, he had even to restrict the scope within which Canadian retaliation might be practised.² There could be no imperial Zollverein. But he said that a measure of Reciprocity might give the Canadians all the economic benefits they sought, and yet leave them the allegiance and the government which, in their hearts, they preferred. The annexationist clamour fell and rose, mounting highest in Montreal, and in the dire year of the Rebellion Losses disturbance; but Elgin, while sometimes he grew despondent, always kept his head, and never ceased to hope for the Reciprocity which would at once bring back prosperity, and still the disloyal murmurs. Once or twice, when the annexationists were at their worst, and when his Tory opponents chose support of that disloyal movement as the means of insulting their Governor, he took very justifiable means of repressing an unnatural evil. ‘We intend,’ he wrote in November, 1849, after an annexation meeting in which servants of the State had taken part, ‘to dismiss the militia officers and magistrates who have taken part in these affairs, and to deprive the two Queen’s Counsels of their silk gowns.’ But he held to the positive

¹ Walrond, *op. cit.* p. 105.

² Nothing is clearer in Grey’s letters to Elgin than his refusal to countenance retaliation in any shape, except perhaps as restricting American use of Canadian waters.

side of his policy, and few statesmen ever gave Canada a more substantial boon than did Elgin when, just before his recall, he came to Washington on that mission which Laurence Oliphant has made classic by his description, and concluded by far the most favourable commercial treaty with the United States ever negotiated by Britain.

There is perhaps a tendency to underestimate the work of his predecessors and assistants, but no one can doubt that it was Elgin's persistence in urging the treaty on the home Cabinet, and his wonderful diplomatic gifts, which ultimately won the day. Oliphant, certainly, had no doubt as to his chief's share in the matter. 'He is the most thorough diplomat possible—never loses sight for a moment of his object, and while he is chaffing Yankees, and slapping them on the back, he is systematically pursuing that object';¹ and again, 'There was concluded in exactly a fortnight a treaty to negotiate which had taxed the inventive genius of the Foreign Office, and all the conventional methods of diplomacy, for the previous seven years.'²

It was a long, slow process by which Elgin restored the tone of Canadian loyalty. Frenchmen who had dreamed of renouncing allegiance he won by his obviously fair mind, and the place accorded by him to their leaders. He took the heart out of Irish disaffection by his popular methods and love of liberty. Tory dissentients fell slowly in to heel, as they found their Governor no lath painted to look like iron, but very steel; to desponding Montreal merchants his Reciprocity treaty yielded naturally all they had expected from the more drastic change. It is true that, owing to untoward circumstances, the treaty lasted only for the limited period prescribed by Elgin; but it tided over an awkward period of disaffection and disappointment.

He did more, however, than cure definite phases of Canadian disaffection; his influence through Earl Grey told vehemently for a fuller and more optimistic conception of empire. With all its virtues the bureaucracy of the Colonial Office did not understand the government of colonies such as Canada; and where colonial secretaries had the ability to will, they had not knowledge sufficient to lead them into paths at once democratic and imperial. Even Grey had his moments of falling from the optimism which empire demands of its statesmen. It was not simply that he emphasized the wrong points—military and

¹ Mrs. Oliphant, *Life of Laurence Oliphant*, p. 120.

² Laurence Oliphant, *Episodes in a Life of Adventure*, p. 56.

diplomatic issues, which in Canada were minor and even negligible matters ; but at times he seemed prepared to let things go.

In 1848 he had impaled himself on the horns of one of those dilemmas which present themselves so frequently to absentee governors and governments—no reciprocity with America and Canadian rebellion, or, reciprocity, and in consequence Americanization!¹ In 1849, 'looking at these indications of the state of feeling in Canada, but the equally significant indications as to the feeling of the House of Commons respecting the value of our colonies,' he had begun to despair of their retention.² But there were greater sinners than those of the Colonial Office. While Elgin was painfully removing all the causes of trouble in Canada, and proving without argument, but in deeds, that the British connexion represented normal conditions for both England and Canada, politicians insisted on making foolish speeches ; until an offence by the Prime Minister himself drove Elgin into a passion unusual in so equable a mind, and which, happily, he expressed in the best of all his letters. 'I have never been able to comprehend why, elastic as our constitutional system is, we should not be able, now more especially when we have ceased to control the trade of our colonies, to render the links which bind them to the British Crown at least as lasting as those which unite the component parts of the Union. . . . You must renounce the habit of telling the colonies that the colonial is a provisional existence. . . . Is the Queen of England to be the sovereign of an empire, growing, expanding, strengthening itself from age to age, striking its roots deep into fresh earth and drawing new supplies of vitality from virgin soils ? Or is she to be for all essential purposes of might and power monarch of Great Britain and Ireland merely, her place and that of her land in the world's history determined by the productiveness of 12,000 square miles of a coal formation which is being rapidly exhausted, and the duration of the social and political organization over which she presides dependent on the annual expatriation, with a view to its eventual alienization, of the surplus swarm of her born subjects ?'³ That is the final question of imperialism ; and an age which prides itself on its imperial creations, may well ask whether the man who first wrought out in hard labour an optimistic answer to the question

¹ Elgin-Grey Corr. : Grey to Elgin, 27 July, 1848.

² Elgin-Grey Corr. : Grey to Elgin, 20 July, 1849.

³ Elgin-Grey Corr. : 23 March, 1850. The letter, which may be found in Walrond's volume, pp. 115-120, ought to be read from its first word to its last.

before he asked it, and who then put it with vehemence to the Colonial Office and the Prime Minister, when they offended, does not merit some remembrance.

Space forbids any mention of the more human chapters of Elgin's Canadian adventure; his whimsical capacity for getting on with men, French, British, and American; the sly humour of his correspondence with his official chief; the searching comments made by him on men and manners in America; the charm of such social and diplomatic episodes as Laurence Oliphant has sketched in his letters and his *Episodes in a Life of Adventure*. It only remains to sum up such impressions as may be gathered from his *opera majora* recorded above.

I began by calling him Victorian, and the phrase seems fitting. He was too human, easy, unclassical, and, on the other hand, too little touched with Byronic or revolutionary feeling, even to suggest the age of Pitt, Napoleon, Canning; he was too sensible, too orthodox, too firmly based on fact and on the past, to have any affinity with our own transitional politics. Like Peel, although to a less degree, he had at once a firm body of opinions, a keen eye for new facts, and a sure, slow capacity for bringing new fact to bear on old opinion.

He was able, as few have been, to set the personal equation aside in his political plans, administering to friends and foes with almost uncanny fairness, and astonishing his petty enemies by his moderation. His mind could regard not merely Canada but also Britain, as it reflected on future policy; and he sometimes seems, in his letters, the one man in the empire at the time who understood the true relation of colonial autonomy to British supremacy. Not even his foolishlest eulogist will attribute anything romantic to his character. There was nothing of Disraeli's 'glitter of dubious gems' about the honest phrases in which he bade Russell think imperially. Unlike Mazzini, it was his business to destroy false nationalism, not to exalt that which was true, and for that cool business the glow and fervour of prophecy was not required. We like to see our leaders standing rampant, and with sulphurous, or at least thundery, backgrounds. But Elgin's ironic Scottish humour forbade the pose, and it was his business to keep the cannon quiet, and to draw the lightning harmless to the ground. The most heroic thing he did in Canada was to refrain from entering Montreal at a time when his entrance must have meant insult, resistance, and bloodshed, and he bore quietly the taunts of cowardice which his enemies flung at his head.

Lord Elgin in Canada

He was far too clear-sighted to think that statesmanship consists in decisions between very definitely stated alternatives of right and wrong. 'My choice,' he wrote in characteristic words, 'was not between a clearly right and clearly wrong course—*how easy is it to deal with such cases, and how rare are they in life*—but between several difficulties. I think I chose the least.'¹ His kindly, shrewd, and honest countenance looks at us from his portraits with no appeal of sentiment or pathos. He had given the greatest of British dependencies the government fittest to its needs; he had saved a little people from the disasters of false nationalism; he had corrected the imperial practice of a great Government. He asked of men that which they find it most difficult to give—moderation, common-sense, a willingness to look at both sides, and to subordinate their egoisms to a wider good; and was content to do without their worship. Such as he was, he seems to me the greatest in the long line of Canadian viceroys; for at a crisis in Canadian history, he did, without a single slip, exactly that which was necessary, and he refused to stain the national triumph with any personal vainglory.

J. L. MORISON.

¹ Elgin-Grey Corr. : Elgin to Grey, 7 October, 1849.

The Scottish Progress of James VI

AFTER his accession to the English throne James VI. paid but one visit to Scotland, in 1617. His journey towards London fourteen years earlier aroused Carlyle to enthusiasm not for its own sake, but on account of certain notable doings at Hinchinbrook in Huntingdonshire.¹ He did not consider the Scottish progress so memorable, although it created much commotion north of the Tweed. The reason is not far to seek. In the hero-worshipper's eyes the bare possibility that little Oliver, who had in 1603 just completed his fourth year, may have waved a welcome to the shambling monarch appears to be of greater significance than the fact that Laud accompanied James to Scotland in 1617 with the express purpose of enforcing Episcopacy on its unwilling inhabitants.

As at the present day a royal progress entailed considerable labour and forethought on the authorities, although different considerations, of course, arose in the seventeenth century. The preparations for his Majesty's reception occupied more than a year, and the Privy Council of Scotland and their subordinates were hard at work during this trying period supervising the repair of the roads and royal palaces, issuing proclamations for the suppression of vagabonds and the preservation of game, and making elaborate arrangements for the transport of the king's luggage from place to place. Road mending was not apparently a congenial task to the local magnates, and we find that just before James arrived in Scotland certain border lairds were severely reprimanded for neglecting to obey the Council's orders, and directed to repair the highway within ten days under pain of rebellion.² In May, 1616, an Act was passed empowering the Master of the Works to rebuild certain portions of the Palaces

¹ *Historical Sketches of Notable Persons and Events in the Reigns of James I. and Charles I.* 1898, pp. 9 and 134.

² *Register of Privy Council of Scotland*, xi. 1616-1619, 1894, p. 92.

of Holyrood, Stirling and Falkland,³ while the statutes relating to mendicity are especially interesting. The vagabonds, who resorted to the capital, had become an intolerable nuisance, and it was feared that they might be a source of annoyance to the haughty English visitors in the king's train. The first act for their suppression had no effect; and two further proclamations were issued against these 'stronge idle and maisterfull beggaris, counterfute bairdis and foollis,' who were to be found everywhere begging and extorting alms. They were ordered to address themselves to their own parishes on pain of scourging and other refined tortures on their first conviction, and of death for the next offence. All noblemen and gentlemen were directed to have a pair of 'fast lokket stokkis' for punishing the offenders, and each parish had to provide 'one or tua strong able men' to walk 'athorte' the town and apprehend them.

While the beggars were being hunted, a close time was ordered for game. The king himself, writing from Newmarket on February 19, 1616, gave strict directions that the laws against the shooting of deer, hares and wildfowl should be rigorously enforced, as he and his retinue wished to enjoy good sport. The Privy Council seem to have had some difficulty in carrying out these commands. The Earl of Linlithgow and his son, Lord Livingston, were summoned to appear before them at the instance of the Earl of Perth for encroaching on the Royal Forest of Glenarnay,⁴ and a commission was granted to the Earl of Tullibardine to try poachers in Perthshire.⁵ In January, 1617, a proclamation was made against the killing of bucks which might stray from the park of Falkland Palace,⁶ and heavy penalties were exacted in proportion to the rank of the offenders.

The exact numbers of the retinue and transport accompanying the king are uncertain, but they fell far short of 5000, for whom the townspeople of Edinburgh were told to prepare. We may picture the consternation of the unhappy Provost and Bailies when they were directed 'to mak a perfyte survey of the hail ludgeingis and stabellis within the burgh of Edinburgh, the Cannogait, Leythe Wynd, Pleasance, Potterraw and Weste Porte, and to foirsee and provide that thair be good ludgeingis within the said boundis for fyve thousand men and stablis for fyve thousand horse.'⁷ Moreover, the lodgings were to be furnished with good clean bedding and linen, and the stables provided with abundance

³ *Register of Privy Council of Scotland*, x. 1613-1616, 1891, p. 517.

⁴ *Ibid.* x. p. 570. ⁵ *Ibid.* x. p. 597. ⁶ *Ibid.* xi. p. 7. ⁷ *Ibid.* x. p. 683.

of corn, hay and straw. As the late Professor Masson said, 'About the Christmas time of 1616, it was evident Auld Reekie must have been driven nearly to the end of its wits,'⁸ and the municipal authorities must have blessed the day when they saw the last of James and his courtiers. The Scottish nobility and gentry, who had already secured rooms in the Canongate, were curtly told by the Council to find accommodation elsewhere.

Having so large a train the transport of his Majesty's baggage was no easy matter. It involved an enormous amount of labour, for James retraced his steps several times. In the various shires the Justices of the Peace were instructed to arrange for relays of horses and carts to be ready at prescribed times, and the rates of hire were fixed in each case. Two general constables were appointed for every shire, and their subordinates were required to see that the necessary conveyances were forthcoming.⁹ The onerous duties cast upon the authorities were not eagerly performed. The Justices of Stirlingshire refused to act, and were summoned before the Council to answer for their conduct under pain of death; whilst the Constabulary of Haddington, being rather dilatory, were threatened with horning, unless they accepted their offices by a certain day. The royal route was mapped out stage by stage, and the exact distances between each stopping place were carefully tabulated.

Much attention was also paid to the furbishing and renewal of the king's wardrobe. Various portions of tapestry were said to be in the possession of several Scottish noblemen, and these relics of ancient days were hunted up. But Mr. John Auchmutie, Master of the Wardrobe, had very bad luck, and there is a touch of comedy in the pleas urged by the peers in excuse. The Lord Chancellor Dunfermline produced ten pieces, much worn, embroidered with 'the storie of Aeneas, the storie of Troy and the storie of Mankynd'; the Earl of Linlithgow alleged that the tapestry which he held had been 'cuttit through be umquhile Andro Cokburne, foole'; the Earl of Home said that his four pieces had been given him by the king for 'tua hunting horsis'; and the Lords of Loudoun and Balmerino denied having any of his Majesty's belongings at all.¹⁰ Auchmutie, however, found four beds, probably at Holyrood, one depicting the labours of Hercules; another of crimson velvet and gold; another of gold, silver and silk; and another, incomplete, 'sewit

⁸ *Ibid.* x. Intro. p. cxiv.

⁹ *Ibid.* xi. Intro. p. xii.

¹⁰ *Ibid.* x. p. 521.

be his Majestie's mother,' of the same material, which were sent to England to be repaired.¹¹

Early in 1617, Captain David Murray was instructed to sail for London 'at the first occasioun of wynd and wedder' with the royal pinnace, *The Charles*, for the purpose of collecting tapestry, silverplate, household stuff, furniture, and other provisions for the king's use; and by his directions a special messenger was sent to James in all haste with his Scottish 'robe royal' in order that his Majesty might ascertain whether the precious garment was fit to be worn 'in ony grite solempnitie' or whether he should provide himself with a new one 'efter the fassioun of the auld.'¹² It is noteworthy that James did not leave this momentous question to Sir Gideon Murray, the Treasurer Depute, who was authorised to search the royal wardrobe, but preferred to see the robe himself.

The works at Holyrood seem to have proceeded in a rather leisurely fashion; the Privy Council began to get anxious as the time for the king's arrival approached, and charged the magistrates of Dundee, St. Andrews, Dysart, and Pittenweem to appear before them with twenty-six craftsmen, whose names appear on the Register, to assist in completing the repairs.¹³ From time to time similar urgent messages were sent to different bodies for more skilled labour.

In March, 1617, James left Whitehall, but his progress through England was slow. He stayed at various places on the way, including Newcastle, Bothall Castle, the seat of Sir Charles Cavendish, and Alnwick Abbey, and he did not cross the border till May 13. The king was accompanied by Ludovick, second Duke of Lennox, his kinsman and principal attendant at Gowrie House in 1600; Thomas Howard, Earl of Arundel, the friend whom Raleigh shortly afterwards besought on the scaffold to justify his memory before James; Henry Wriothesley, Earl of Southampton, the brilliant patron to whom Shakespeare dedicated *Venus and Adonis* and *Lucrece*; two brothers, William Herbert, Earl of Pembroke, and Philip Herbert, Earl of Montgomery; the notorious George Villiers, then Earl of Buckingham; and Edward la Zouch, Lord Zouch. Besides these peers there were three High Church Prelates, Dr. Lancelot Andrews, Bishop of Ely, Dr. Richard Neile, Bishop of Lincoln, and Dr. James

¹¹ *Register of Privy Council of Scotland*, x. p. 624.

¹² *Ibid.* xi. p. 66.

¹³ See further as to the repairs at Holyrood, *Royal Palaces of Scotland*, edited by R. S. Rait; London, 1911, p. 113.

Montague, Bishop of Winchester, with a number of knights and other gentlemen. Inferior in rank, but certainly not in importance, was Dr. William Laud, 'a small chaplain, lean little tadpole of a man, with red face betokening hot blood,' as Carlyle limns him.

From Berwick James went to Dunglas in Haddingtonshire, the seat of the Earl of Home, and at his first stopping-place he had to listen to a long Latin speech by Mr. Alexander Hume. By May 15 he was at Seton House, where he was received by the Earl of Winton, and was presented with a poem by William Drummond of Hawthornden entitled *Forth Feasting, a Panegyric to the King's Most Excellent Majesty*. It is a delightful example of this loyal author's playful fancy. The Forth is awakened from slumber by the sounds of joy and sport which herald the royal progress, and by the glittering throngs which crowd its banks. Earth and sky, mountain and stream, river-naïad and sea-god are bidden to join in welcoming the returning monarch.

And you my Nymphs, rise from your moist Repair ;
Strow all your Springs and Grots with Lillies fair ;
Some swiftest-footed, get them hence, and pray
Our Floods and Lakes come keep this Holy-day.

* * *

To Virgins, Flow'rs ; to Sun-burnt Earth, the Rain ;
To Mariners fair Winds amidst the Main ;
Cool Shades to Pilgrims, which hot glances burn,
Are not so pleasing as thy blest Return.

* * *

Ah why should Isis only see Thee shine ?
Is not thy Forth, as well as Isis thine ?
Though Isis vaunt she hath more Wealth in store,
Let it suffice thy Forth doth love thee more.

These lines, taken at random from a long poem, are obviously the outcome of genuine admiration, lavish as is Drummond's praise of James. There is nothing artificial about his verse, for he has gone direct to nature for inspiration, and has avoided those fulsome and servile phrases of which the authors of the various addresses were guilty. Moreover there is a graceful allusion to the Union of the Crowns, which could only have been written by an adept in the art of diplomacy—

The Christal-streaming Nid, loud bellowing Clyde,
Tweed which no more our Kingdoms shall divide.

—and it is unfortunate that the local magnates did not take Drummond for their model in framing their speeches. ‘Magniloquent loyal Addresses more than one, on this occasion, full of drowsy Bombast, like tales told by an idiot, I have read and will not remember,’ groans Carlyle, and two extracts may suffice to prove that his scorn was amply justified. ‘This is that happy day of our new birth, ever to be retained in fresh memory . . . wherein our eyes behold the greatest human felicity our hearts could wish, which is to feed upon the royal countenance of our true Phoenix, the bright star of our northern firmament, the ornament of our age, wherein we are refreshed, yea revived with the heat and beams of our sun,’ exclaims Mr. John Hay, Town Clerk Depute of Edinburgh. ‘What heart would not break? what eye would not drown itself in tears for the so long absence of so well beloved and so much loving a Prince, a King second unto no other, and far from any second, matchless in birth and royal descent but more in heroical and amazing virtues?’ gushes Mr. Robert Murray of Stirling. Such crude and childish sentiments James doubtless swallowed with a solemn countenance as befitting a Scottish Solomon.

Passing through Leith, he entered Edinburgh on May 16, where he was greeted by the Provost, Magistrates and Town Council, attired, according to the Chronicler of Perth, in black gowns.¹⁴ It seems strange that they should have donned this funereal garb; and in a letter dated a week later from Mr. John Chamberlain, in London, to his friend Sir Dudley Carleton, British Ambassador at the Hague, a different and more graphic account of the ceremony is given. ‘We have little out of Scotland since the king’s being there. . . . Some speech there is how the burghers of Edinburgh received him in scarlet gowns and more than 100 in velvet coats and chains of gold and 300 musketeers in white satin doublets and velvet hose and that they presented him with 10,000 marks in gold.’¹⁵

The populace were horrified by the ritual at Holyrood. Organs pealed, choristers sang, and surplices were worn. Then the king went to his Palace of Falkland to hunt, afterwards staying at Kinnaird in Perthshire, and receiving poems and addresses of welcome at Dundee. Between June 11 and 14 he visited the Earl of Morton at Dalkeith, his transport consisting of 80 carts

¹⁴ *The Chronicle of Perth, 1210 to 1668*, Maitland Club, Edin. 1831, p. 19.

¹⁵ *The Court and Times of James the First*, vol. ii. 1848, p. 13.

and 240 horses.¹⁶ Back in Edinburgh again he lectured his countrymen at the opening of Parliament, frankly telling them that they were a barbarous people.¹⁷ He only hoped that they would be as ready to adopt the good customs of their Southern neighbours as they had been eager to become their pupils in the arts of smoking tobacco and of wearing gay clothes. The speech is the reverse of conciliatory, and the authors of the addresses must have wished that they had modified their language. It was on this occasion that David Calderwood, minister of Crailing, was banished for protesting against James's policy in ecclesiastical affairs. Continuing his progress by Stirling and Perth he convened a meeting at St. Andrews on July 13, at which the bishops and ministers were present.

During a second visit to Stirling he received a deputation from Edinburgh University headed by the Principal, Henry Charteris. For three hours he listened to a disputation in Latin by six learned professors, Adamson, Fairly, Sands, Young, Reid and King, and wound up the debate by complimenting the combatants and indulging in bad puns on their names, as for example that Mr. Young was very old in Aristotle. By the end of July his Majesty had reached Glasgow and Paisley, and he stayed for two days at Hamilton Palace with the Marquis of Hamilton, being also entertained at Sanquhar Castle by Lord Crichton of Sanquhar. Doubtless it was a convenient stopping-place, but the royal visit must have awakened unpleasant memories in the family, since only five years earlier James had condemned his host's predecessor in the title to an ignominious death by hanging before the gates of Westminster Hall on the charge of having instigated a murder, for which the unfortunate sufferer had at least some provocation, seeing that the victim, one Turner, had, whether intentionally or not is uncertain, put out one of his lordship's eyes in a fencing bout. Carlyle, grimly humorous, cites this as an example of James's rough justice. At Drumlanrig he was welcomed by Sir William Douglas with the usual poetical effusions.

The king arrived at Dumfries on August 4, where he presented the inhabitants with a miniature piece of ordnance in silver, which is still preserved in the Town Hall, and ordained an annual wapinshaw, in which the Incorporated Trades took part. The competition was continued till 1831, and it forms

¹⁶ *The Scots Peerage*, edited by Sir J. Balfour Paul, vol. vi. 1909, p. 376.

¹⁷ S. R. Gardiner's *History of England*, vol. iii. 1883, p. 224.

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the theme of John Mayne's spirited poem in five cantos, 'The Siller Gun,' which deals with the gathering of the corporations, the march to the field, the spectators and marksmen and the general festivities. Leaving Annan, accompanied by a large number of Scottish Councillors, James then crossed the border to Carlisle and bade farewell for ever to his ancient kingdom of Scotland.

G. A. SINCLAIR.

The Origin of the Holy Loch in Cowall, Argyll

A WELL-KNOWN feature of the Firth of Clyde is that branch of it known for ages as the 'Holy Loch.' The old Statistical Account gives its Gaelic equivalent as Loch Shiant. On its shores stands the remains of the old Church of Kilmun, where for 500 years the Campbells of Argyll have buried their dead.

There are several traditions in regard to the origin of the term Holy Loch, some of which have been printed or briefly referred to in print at different times, and others have survived in oral tradition, viz. :

1. That a Lord of Lochow, returning from the Holy Land with a ship loaded with earth and sand from that country, destined for the foundations of S. Kentigern's Cathedral at Glasgow, lost his ship or ran her ashore.

2. That the Lord of Lochow brought the sand from the Holy Land for a burying place at Kilmun, or for building the Church of Kilmun.

3. That it was the Chief of Clan Lamont who came back from Palestine with sand destined for the founding of a burial place at Kilmun.

It will be noticed that the one feature common to the various accounts is the story about sand from the Holy Land or some sacred spot having originated the epithet.

In the following passage dealing with a far more remote age and period, we have a more certain and interesting solution of the origin of the name 'Holy Loch,' and it goes far to show how a story is often brought down to a time nearer to the memories of such as tell it when it has really occurred long before—it is in fact the unconscious modernisation of an incident actually recorded in the ancient life of that very saint who was the primitive founder of the original Celtic Church of Kilmun, viz. Saint Fintan Munnu or Mund (meaning Fintan, my beloved

one), and whom from other evidence the writer has been able to identify as the original patron saint of the Campbell Lords of Lochow.

There is in the lives of those saints, who, though Irish by birth, spent much of their lives in Alba (Scotland), seldom an indication as to which of the two countries was the scene of the specific incidents, miraculous or otherwise, narrated in the different chapters. In S. Adamnan's *Life of S. Columba*, and in that by S. Cuimine the Fair, one of his renowned successors, we find reference to a considerable number of both miracles and ordinary events which took place in Iona and other parts of Argyll (Dalriada). That the same thing must be understood in the *Life of S. Fintan Munnu* is obvious, and we need have no reasonable doubt but that the following incident, forming the twenty-eighth chapter of this saint's life, took place by the shores of the Holy Loch in Scotland, and not at the scene of any of his Irish Foundations, for the reference to a brother, who was a Briton, is just what would be natural in a place like Kilmun, so near to Dunbarton, the Capital of the Kingdom of the Strathclyde Britons. The incident is thus narrated, of which the following is a translation :

Chapter 28. 'A certain monk of the race of the Britons was at S. Munnu's,¹ and had his cell hard by, and dwelt as a hermit. And he was skilled in carpentering, and used to do woodwork and other work for the Brethren. One day Saint Munnu came in the morning to that man's cell, and there was at the time a fire in the house for drying the wooden planks. And the monk knelt before the holy man and said, 'Father, sit down for a short while in the seat by the fire that thy feet may be warmed.' To which the man of God consents, and as he sat by the fire the monk took his brogues (ficones) and found wet sand in them. And lifting it up he wrapped it up in his towel (sudarium), and

¹ Munnu is of course a hypocoristic name, being contracted from Mo-fhinnu. Taghmon in Leinster is his chief foundation in Ireland. The principal Saints mentioned in his life are SS. Brendan of Clonfert, Columba, Cainnech, Baithine of Iona, Comgall, Molua, Molaisse of Leighlin, and Mochoemog, who survived Munnu, dying in 656, and Mr. Plummer has pointed out that in the historical setting of his life there are no inconsistencies.

It is noteworthy that Strachur, anciently Kilmaglass, was evidently founded by or dedicated to S. Molaisse, as an old charter speaks of the *Ecclesia Sancti Malaci*, and its parish touches Kilmun to the north. Within its bounds lies Glenbranter, which in all old writs is written Glenbrandanane and Glenbrandane, clearly indicating a connection with S. Brandan.

he said to the man of God, 'I ask thee, Father, in the name of God, that thou wilt tell me what that sand is?' To whom the holy man replied, 'Promise me on thy faith that thou wilt not tell it to anyone during my life'; and on his giving the promise the saint saith to him, 'I have in sooth of late arrived from the Land of Promise. With me were Saint Columba and Saint Brendan and Saint Cannich (Kenneth); and God's power led us thither and led us back thence. And from thence brought I this sand for my burial place.' Now that monk, after the death of the man of God, narrated this story, and showed the sand which was placed in the Church Yard, as the Holy man commanded in his lifetime.'

Now the Salmanticensian Codex of this saint's life, preserved at Brussels, gives his words on this occasion in a fuller and more curious manner :

'I have now come from the Land of Promise in which we four gathered together are constituting our places, viz. Columba, Kille and I, our two places are together about the Ford (*duo loca nostra simul circa vadum consistunt*). But Kannech and Brandin Macu Althe have set up their places around the other ford. The name of the place of Columbe Kyle is called Ath Cain (*i.e.* the Fair Ford), and the name of my place Port Subi (viz. Port Joy). The name of Kannech's place is called Set Bethatch (Path of Life), and the name of Brandan's place Aur Phurdus (Brink of Paradise).¹

'If therefore a temptation come to ye which ye are not able to bear, ye shall set forth to that Holy Land ; and it shall be lawful for ye if there are to ye always twelve new beams with ye and twelve brazen caldrons (*cacabi enei*) for your journey. Ye shall therefore go to the Hill of Stones (Sliabh Liacc) in the region of the race of Bogen² to the promontory which extends into the sea, and there ye shall begin to sail. Killing your oxen and it is lawful for you to eat the flesh of the oxen. For it might chance owing to the hurry of your setting out that ye could not prepare food for your journey, and in the skins of your oxen shall ye prosperously sail to the Holy Land of Promise.'

There is obscurity in this curious passage, but it would seem

¹The writer has not attempted to identify these four place names with their beautiful meanings, which, whether in Ireland or Scotland, evidently lie close to one another, and would be glad to hear where they are.

²Tir Bogaine, the barony of Banagh, Co. Donegal. Slieve League is in that Barony (Plummer, *Vitae Sanctorum Hiberniae*).

that the oxen were not meant to be shipped on to the boat, as their hides were evidently to be themselves employed in making the boat with the twelve new beams, as it is distinctly said that 'in the skins of your oxen ye shall,' etc.

Many a new monastic foundation was symbolically commenced by twelve brethren, and the number of the caldrons ordered seems to point to this practice having been followed by S. Mun's own community.

Among the Argyll Charters dealing with the 'Progress' of the lands of Kilmun, is one under the great seal of King James IV., by which that monarch (for the services rendered to James II. and James III. by Colin, first Earl of Argyll, as well as for the services rendered to himself and for the love he bore the Earl) erected the town of Kilmund into a free burgh of barony for ever. The inhabitants were to be burgesses, and to erect a cross (of which no trace now appears to remain), and hold weekly markets every Monday, and to have two yearly fairs, one on S. Mund's own festival, the 21st October, the other on the Feast of the Invention of the Holy Cross, commonly called Beltane (3rd May), and during the octaves of those feasts.

On the 21st October, the Aberdeen Breviary duly enters the Saint's festival with six lessons briefly recording his life, in which his father's name, Tulchain, and his mother's, Fechele, are accurately given, and they mention his burial at Kilmun. All the Irish Annals record his death, or 'quies,' as they touchingly call it, at this date, in the year 635 or 636. Here for many ages his now lost 'bachuil' was carefully preserved.

When compiling for topographical reference the varying forms of the spellings of the original merklands 'of old extent' in the ancient Barony of Lochow, the writer had noticed that wherever the early Campbells held lands connected with one of their castles or manors, a Chapel or 'Cil' dedicated to S. Mun lay in close proximity. Suspecting that these coincidences were unlikely to be entirely due to chance, he thought it more than likely that just as S. Morich was adopted as the patron saint of the ancient Clan MacNachtan, possibly because he was the first apostle of the faith through whom the conversion of that clan (or their remoter progenitors) had taken place, so S. Mund might quite possibly be the primitive patron of the Campbells or O'Duibhnes.

For instance, close to Innischonnel, the oldest known fortress of the Campbells, Lords of Lochow, we have a Kilmun. Three

miles off, and close to another of their old castles on Locharich, in Lorne, lies another Kilmun. Again, close to the first land which tradition says they acquired in Glenaray (viz. the Field of the Petticoat) lies another Kilmun, where foundations can be distinctly seen to this day, whilst on the Holy Loch in Cowall, close to the Manor Place of Stratheachie, where Duncan, first Lord Campbell, used so often to dwell when on his 'solempne hontynges' in the neighbouring forest of Beinmor, and from which some of his charters are dated, lies the best known and most famous Kilmun of all. It had long existed as a Parish Church, but he, for the repose of the soul of his loved first-born son, Celestine or Gillespick Cambell, and others of his kindred and ancestors, on 4th August, 1442, erected it into a Collegiate Church for Secular Canons, and for whose becoming maintenance he granted certain lands in Mortmain or 'Frankalmoigne.' This then was the aggrandisement of a pre-existing foundation upon a venerated site.¹

The above supposition as to the early connection between S. Fintan or Mund with the Campbells was strengthened seven years ago by the writer finding at the end of a transcript of the 1442 charter some notes made in 1819 by the industrious senachie, James Campbell of Craignure, on behalf of Lady Charlotte Campbell, in which Craignure plainly and definitely asserts that S. Mund was the accepted patron saint of the early Lords of Lochow.

Constant tradition has affirmed that Celestine Cambell died on his way back to Lochow from studying in Glasgow, and that a great snowstorm prevented the vassals from bearing his body to Inishail on Lochow, where till this event the Campbells had been laid for centuries, as well as their kinsmen the MacArthurs. Further, that it was the great Lamont of all Cowall 'who granted a grave to the Lord of Lochow in his distress.' A Gaelic saying to this day preserves this tradition. Against its truth (unless it was a much earlier Lord of Lochow to whom it happened) must be set the following incontestable fact, viz. that there is absolute proof from an undated charter of circa 1360,² that Kilmun and

¹ It is worthy of note that much of the time which this Duncan spent as a hostage in England in the reign of Henry IV. was at Fotheringhay Castle, and the neighbouring Parish Church had recently been erected into a similar collegiate establishment, and it is possible that this gave him the idea for Kilmun.

² This charter was confirmed by King David on the 11th October, in the thirty-fourth year of his reign and the Countess having given another charter,

many adjoining lands came into the hands of Guilleaspos (*sic*) Cambell, son of Sir Colin Cambell of Lochow, by a grant from Mary, Countess of Menteith. Now this Guilleaspos was the grandfather of Duncan, who founded the Collegiate Church and establishment. The grant included the Advowson, etc., and as the Countess terms the grantee 'her beloved and special cousin,' there can be no doubt that there was a close blood relationship between the parties. There is charter proof that Guilleaspos married Mariota, daughter of Sir Iain Laumond of that Ilk, and it is significant that the old clan pedigrees assert that his second marriage was to a daughter of Sir John Menteth, second son of Walter Stewart, fifth Earl of Menteith, which is doubtless perfectly correct.

As the Lamonts undoubtedly had held Kilmun in the thirteenth century,¹ the problem remains unsolved as to how the Menteiths acquired it, unless they married a Lamont at some previous date, of which no record appears to remain.

If the tradition about the grant of the grave for Celestine's body be indeed true, it would seem to show that the Lamonts had retained certain burial rights in the chancel, or in some special portion of the pre-Collegiate Church of Kilmun.

NIALL D. CAMPBELL.

also undated, of some further lands at Kilmun, which were to be held in feu of her for payment of a silver penny at Glasgow fair, King David confirmed it upon 25th May in the thirty-third year of his reign.

The reddendo of the other charter was a pair of Parisian gloves at Glasgow fair if asked for, which shows that both were blench tenures, and in both charters the King's service in war as far as may concern the lands granted is reserved. (Originals in the Argyll Charter Chest.)

Further, the Countess states that she holds Keanloch Kilmun, Correikmore, Stronlonag, Correntie Bernicmore and Stronnahunseon of the Stewart of Scotland. These are the lands named in the second charter to Guilleaspos Cambell.

¹ Between 1230 and 1246 Duncan, the son of Fercher, and his nephew, Lauman, the son of Malcolm, granted to the monks of Paisley those three half-penny lands which they and their ancestors had at Kilmun with the fishing and all other just pertinents and bounds and the whole right of patronage competent to them in the Church of Kilmun. In 1270 Engus, the son of Duncan, the son of Ferkard, confirmed the grant. (*Register of Paisley Abbey*, pp. 132-133.)

A Mass of St. Ninian

THE following proper for a mass of St. Ninian is written in a sixteenth century hand on the verso of the last leaf of a Roman missal.¹ The missal is a folio printed at Paris by Petit in 1546, and the title page begins *Missale ad sacrosancte Romane ecclesie usum*.² There are no Scottish saints' names added in the kalendar, nor are there any other manuscript additions. We have no evidence that the Roman use was ever introduced in the parish churches of Scotland. All surviving books and fragments of Scottish secular use are of the English use of Sarum, and all other evidence goes to show that that use must have been practically universal on the mainland of Scotland. But the Greyfriars generally seem to have used the Roman books whatever country they were in, and it is not impossible that we have here a missal that was used by them. The addition in manuscript of a mass of St. Ninian is not absolute proof that the book containing it was used in Scotland, though it is exceedingly likely.

The Office or Introit is not given. The Collect is the same as that in the Arbuthnott Missal,³ except for a few unimportant verbal variations. The Collect in the Aberdeen Breviary⁴ has the same ending but a different beginning. This is unusual: it is not uncommon to find liturgical forms with the same beginnings but different endings.⁵ The Gospel is the same as in Arbuthnott,

¹ In the possession of the Very Rev. F. Llewellyn Deane, D.D., Provost of St. Mary's Cathedral, Glasgow, to whose kindness I am indebted for permission to transcribe the manuscript matter.

² This edition is not in *Bibliographia Liturgica*, by W. H. J. Weale, a book which is far from complete.

³ *Liber ecclesie B. Terrenani de Arbuthnott*, Burntisland, 1864, 369.

⁴ *Breviarium Aberdonense*, 1509-10, repr. 1854, *Pars estiva*, fo. cvij v.

⁵ For example, many of the collects in the Aberdeen breviary have the same beginnings as those in the earlier Fowlis-Easter breviary (*Breviarium Bothanum*, London 1901), and it may be that Elphinstone retained the old familiar openings, altering the rest in accordance with the taste of the day, just as Dr. Sancroft did

but all the rest is different. There is no Sequence as there is in Arbuthnott.¹ The Secret appears to be slightly altered from that of St. Praxedes in the Sarum missal.² The Post-communion is that of the mass *De non virgine* in the Sarum missal,³ and is the same as that of St. Anastasia at the second mass of Christmas-Day in all, or at any rate nearly all, Latin rites, and is also found in the Rheinau and St. Gall MSS. of the Gelasian Sacramentary, and in most Latin uses though not in Sarum for St. Marcellus (16th Jan.).⁴

The rest of the mass is taken from the Common of a Confessor and Bishop, and might be either from the Roman or Sarum uses, except that the Alleluia *℟. Elegit* is not in the unreformed Roman for this purpose, and the Communion *Semel iuravi* is not in the Sarum. It is probable that the mass was copied out of a manuscript book of some Scottish diocese other than St. Andrews or Aberdeen, that is to say if we are to take the proper in the Arbuthnott missal and the Aberdeen breviary as representing anything like a consistent use in those dioceses.

Both forms of the Collect are very similar to one of St. Ethelwold in the Leofric missal,⁵ the missal of Robert of Jumièges,⁶ and in an eleventh century English missal in the British Museum (MS. Vitell. A. xviii),⁵ which have for the Secret and Post-communion of St. Ethelwold, forms practically the same as those in the Arbuthnott mass of St. Ninian. The same Secret, with different Collect and Post-communion, occurs in the Westminster missal.⁷ Possibly the Arbuthnott forms are not direct adaptations from this mass of St. Ethelwold: it is perhaps more likely that both are from a common source. The Arbuthnott Post-com-

with certain prayers in the English Coronation Service in 1685. But in the case of the collect of St. Ninian, the Aberdeen form is nearer to that from which both seem to be derived.

¹ The Arbuthnott sequence is also to be found, with verbal variations, among the manuscript additions in the printed Sarum missal formerly used in St. Nicholas, Aberdeen. See *Proc. Soc. Antiquaries of Scot.* xxxiii. 440.

² *Missale ad usum . . . Sarum*, ed. F. H. Dickinson, Burntisland 1861-83, col. 817; also for St. Praxedes in missals of York, Westminster, St. Albans, Abingdon, Rouen, and missal of Robert of Jumièges.

³ *Ib.* col. 734*.

⁴ *The Gelasian Sacramentary*, ed. H. A. Wilson, 1894, 321.

⁵ *The Leofric Missal*, ed. F. E. Warren, Oxford, 1883, 286, 306.

⁶ *The Missal of Robert of Jumièges*, ed. H. A. Wilson (H. Bradshaw Soc.), 1896, 194.

⁷ *Missale Westmonasteriense*, ed. J. W. Legg (H. Bradshaw Soc.), 1893, ii. col. 891.

munion I have been unable to trace any further. The rest of the Arbuthnott mass is from the Sarum Common of a Confessor and Bishop.

Little or nothing has been done towards tracing the sources of the collects of the Scottish saints' days, or indeed of their lessons in the Aberdeen Breviary. This is a field which would repay investigation.

I have extended all contractions, retaining spelling, punctuation, and use of capitals as in the original, which is in an ordinary cursive hand, and not very carefully written. I have used square brackets for all extensions not definitely signified in the original. For the convenience of the student I have given the shorter Scripture passages in full, but not the full collect endings, nor have I written out the Epistle and Gospel. References to the Scripture text will be found in the footnotes. I have not extended the Scripture passages from the Arbuthnott Missal in the Appendix.

I must express my indebtedness to Dr. Wickham Legg's invaluable index to the third volume of the Henry Bradshaw Society's edition of the Westminster Missal.

F. C. EELES.

De Sancto niniano

[*Oratio*]

DEUS qui populos pictorum ¹et britonum ¹ per doctrinam sancti niniani episcopi ² ad noticiam tue fidei ³ conuertisti concede propicius ut cuius erudicione veritatis tue luce perfundimur; ⁴ ipsius interuentu ⁴ celestis vite gaudia consequamur; P[er]. D[ominum]

Epistola Dilectus deo.⁵

Graduale Ecce sacerdos [magnus: qui in diebus suis placuit deo. X/ Non est inventus similis illi: qui conservaret legem excelsi.]⁶; Alleluia X/ Elegit te dominus sibi in sacerdotem magnum in populo suo

Euangelium In illo tempore d[ixit]. I[hesus]. d[iscipulis]. s[uis] parabolam hanc homo quidam peregre⁷

Offertorium Inueni dauid [seruum meum: et in oleo sancto meo unxi eum; manus enim mea auxiliabitur ei et brachium meum confortabit eum.]⁸

¹⁻¹ In margin.

³ *i.f. noticiam*, Arb.

⁵ Ecclus. xlv. 1-6.

⁷ Mat. xxv. 14-23.

² + *et confessoris tui*, Arb.

⁴⁻⁴ *eius intercessione*, Arb.

⁶ Ecclus. xlv. 16, 19, 20.

⁸ Ps. lxxxix. (Vul. lxxxviii.) 20, 21.

A Mass of St. Ninian

Secreta

Suscipe domine quesumus ob honorem sancti niniani confessoris tui atque pontificis munus oblatum; et quod nostris assequi meritis non valemus; ¹eius suffragijs impetremus¹ P[er]. D[ominum]

Communio Semel iuravi [in sancto meo: semen eius in eternum manebit: et sedes eius sicut sol in conspectu meo: et sicut luna perfecta in eternum: et testis in celo fidelis.]²

Postcommunio

Saciasti domine familiam tuam. muneribus sacris eius quesumus semper³ interuencionem† nos refoue cuius⁴ memoriam pia deuotione⁴ celebramus; P[er]. Dominum

APPENDIX

COLLECT FROM ABERDEEN BREVIARY

Deus qui hodiernam diem beati niniani confessoris tui atque pontificis festiuitate honorabilem nobis dedicasti: concede propicius vt cuius eruditione veritatis tue luce perfundimur eius intercessionem celestis vite gaudia consequamur. Per dominum

MASS FROM ARBUTHNOTT MISSAL

Officium. Statuit ei.

[*Epistola*] Ecce sacerdos magnus . . .

Gradale. Domine, praeuenisti. Alleluya. V. Inveni David.

Sequentia. Ave, pater et patrone . . .

Offertorium. Veritas

Secreta.

Oblata servitutis nostrae munera, Domine, quesumus, annua sancti patris nostri Niniani episcopi solennitas commendet accepta; ut, ejus pia supplicatione muniti, cunctorum nostrorum delictorum veniam, et beatitudinis sempiternae mereamur obtinere consortium. Per.

Communio. Beatus servus.

Postcommunio.

Refectos, Domine, vitalis alimoniae sacramentis, sancti confessoris tui Niniani episcopi gloriosa nos intercessionem protege, et ad aeternum coelestis mensae convivium concede pervenire. Per.

¹⁻¹ ejusdem suffragantibus meritis nobis largire propitius, Sar.

² Ps. lxxxix. (Vul. lxxxviii.).

³ om. Sar.

⁴⁻⁴ solennia, Sar.

The Honorific 'The'

THE as a distinctive epithet before a surname has long been regarded as essentially Celtic. A story is told of a late Irish politician, who claimed that it was a distinction to which but three persons were entitled—The Pope, The Devil and The O'Gorman. But *mutatis mutandis* this story was current at a much earlier period.

Neither philologists nor archæologists have given much consideration to the origin of this use of the word 'the,' and it has been generally accepted as a fact that the heads of certain Highland and Irish clans or septs are customarily entitled to it, or even that anyone who can establish a claim to chieftainship, and who bears a Celtic patronymic, is justified in using it.

The use of 'the' as the prefix of a surname in combination with a Christian name is of course sufficiently common, and may be found in quite early documents written in the vernacular. Some philologists unhesitatingly assert that it is in fact employed as the English or Scots equivalent of the Anglo-Norman or law-Latin 'de,' and as some stress is placed upon this opinion, it is, perhaps, worthy of special remark that in Scots, though not apparently in English, this 'de' is often rendered by 'of,' as in 'Huchoun of Rosse barowne of Kilravach, Robert of Rosse, Alexander of Rosse, Huchoun of Sutherland,' in a Kilravock deed of the year 1458; and in 'James of Ogillwy of Deskfurde, knyght, Waltyr of Ogillwy his bruther, and Mastyr Thomas of Grantt, officialle off Murreff,' in another deed of the year 1475. A late survival of this 'of' as a translation of the law-Latin 'de' occurs in 'Johnn of Doles,' in a 'letter of assithment' of the year 1513. From these few instances it is clear that whether the Scottish scribes of the fifteenth century did or did not at times write 'the' when they intended to express 'de,' they were under no misapprehension as to its real meaning. In English writings, on the other hand, the Norman 'de' was generally either altogether eliminated or retained without translation, as in De

Lisle, Darcy, Devereux, Daubeney, Damarell, etc., though occasionally it was Englished into 'at,' as in Atwood, Atwell, etc.

There are, however, certain surnames, reasonably regarded as Scottish, which regularly take the prefix 'the' instead of the more usual preposition. In many early documents such names as Reginald the Cheyne, Hugh the Rose, William the Hay, William the Graeme may constantly be met with, the 'the' in these cases being unquestionably a translation of the French or law-Latin 'le.' Occasionally, it is true, one or another of them will be found with 'of' or 'de,' and particularly is this the case with Rose, which was sometimes taken for the English (Norman) Rois or Roos, and sometimes for the Scottish Ross. On the other hand, it would probably be very difficult to find an instance of Cheyne with any other prefix than 'the' or 'le.' So far as these facts go they are opposed to the sweeping assertion that 'the' in connection with Scottish surnames is the habitual rendering of the law-Latin 'de,' though they are by no means sufficient to refute such a theory *in toto*.

In Barbour's Scottish poem, now conveniently known by Blind Harry's descriptive title 'The Bruce,' composed about the year 1375, and transcribed in a still existing copy in 1487, there are innumerable instances of 'the' employed as a possible translation or equivalent of 'de.' Thus :

Be this resoun that part thocht hale,
That the lord of Anandrydale,
Robert the Brwyss, Erle of Carryk
Aucht to succedd to the kynryk (i. 65-8).

And again of Bruce's brother :

Quhar Nele the Bruyss come, and the queyn (ii. 513).

Baliol occurs in the poem in similar form :

Bot schir Jhon the Balleoll, perfay,
Assentyt till him, in all his will (i. 168-9);

and there are also 'Schir Jhone the Cumyn,' 'Schir Daid the Breklay,' 'Schir Philip the Mowbray,' and many more. Most of these names would in Latin be written usually with 'de,' though with Cumyn any article is as a general rule omitted. But it is fairly obvious that this 'the' bears no real analogy to the 'the' in, for example, 'the Macnab' or 'the Macgillicuddy,' whether or not it be a corrupt rendering of the Latin 'de.'

There are, however, in Barbour's poem not only these quasi-translations of the Latin 'de,' but also innumerable examples of the use of 'the' as what can only be regarded as a distinctive epithet applied to the 'head' or 'chief' of one and another of the better-known Lowland or Border families. Thus :

The Bruss lap on, and thiddir raid (ii. 28)

is clearly intended to specify Robert Bruce, as distinct from his brother Neil. And again :

Our all the land the word gan spryng,
That the Bruce the Cumyn had slayn (ii. 79)

refers to Robert Bruce, afterwards King of Scots, and to the Red Comyn, the acknowledged head of the once potent family of Comyn, who was murdered by Bruce in 1306.

The Dowglas his way has tane
Rycht to the horss (ii. 134)

applies to the chief of the Douglasses, and were it necessary instances could be multiplied indefinitely.

Did this use of 'the' in Barbour's poem stand alone it might be regarded as an eccentricity or mannerism of the poet, but other early instances can be cited. It must be remembered, however, that it is not a form which readily lends itself to exact and definitive compositions. It is essentially colloquial and familiar, and could never be employed in strictly legal instruments in consequence of its lack of precise personal application. It conveys the idea of the chief of a family or clan in general, without identifying a particular chief—in fact, it identifies the status but not the individuality of the person mentioned, and it consequently appears only now and again in poetical or in informal writings. No very exhaustive search has been made for illustrative examples, but the instances presently to be cited are amply sufficient to prove that the practice of designating a 'chief' by the distinctive epithet 'the' was thoroughly established in Scotland at least since the time of Barbour.

Just a century later than Barbour, 'Blind Harry' is supposed to have composed his poem 'Schir William Wallace,' and though in this no constant use is to be found of 'the' as in 'The Bruce,' it yet occurs here and there with apparently the intention of designating a person pre-eminent amongst his kin.

To fend the rycht all that he tuk on hand,
And thocht to bryng the Bruce fre till his land (viii. 145-6)

is of course a reference to the future king, as is :

The Bruce tharfor gaiff him full gret gardoun (ix. 1150);

and there are several similar references to Bruce.

In like manner an English Border knight is more than once referred to as 'the Butler,' apparently to distinguish him from his son, who is also represented as performing feats of arms in the Border wars. And it is narrated how

The Ramsais spy has seyn thaim get entre

The buschement brak, bathe bryg and post has won (ix. 732-3),

but in this case it is just possible that 'Ramsais' may be intended for a plural. Of 'the Bruce,' however, there is no doubt.

Philologists will doubtless say this is but an echo of the language employed by Barbour. But after all a custom is at best but an echo of that which has gone before; and, moreover, 'Blind Harry' goes so small a way in copying Barbour's forms that it might with some confidence be assumed that he did not copy them at all, but used 'the Bruce' simply because that appeared to him to be the natural way of describing the chief of the Bruces.

However this may be, the fact remains that Barbour about the year 1375, and 'Blind Harry' about the year 1470, employed the word 'the' before a surname to emphasize the pre-eminence of certain notable persons amongst their kin, and that the epithet continued thus to be used during succeeding centuries, though examples, either in print or in manuscript, are few and far between.

Subsequently to Blind Harry's epic the earliest use of the form which has hitherto been noticed occurs in some sixteenth-century Sheriff Court Records of the shire of Inverness, preserved in the Register House, Edinburgh. These records appear to be the rough minutes of the proceedings, and were doubtless intended to be subsequently extended into more orderly and legal form. In 1561, in a list of those present at the Court Session, is included 'the Dollace of Cantray'; and in the following year, in the report of a case, it is recorded that 'the jugis hes consignit hir [Ellyne Ross]... to wairne the Dollace upon ane xv dayis warning.' It seems impossible to differentiate between these Highland examples and those already cited from the Lowlands, particularly when it is remembered that the lesser barons of the province of Moray were almost without exception the descendants of English-speaking immigrants from the South.

Chronologically, the next authority to be noticed is an Englishman. Shakespeare more than once adopted the Scottish distinctive epithet when speaking of 'the Douglas.' Thus Hotspur, in enumerating those upon whose support he could rely, exclaims, 'Is there not besides the Douglas?' and, in addressing Douglas, he says :

if speaking truth
In this fine age were not thought flattery,
Such attribution should the Douglas have
As not a soldier of this season's stamp
Should go so general current through the world (H. IV., iv. i.).

And Douglas himself exclaims :

I am the Douglas, fatal to all those
That wear those colours on them (v. iv.).

The play of 'Henry IV.' was written in 1597 ; where Shakespeare obtained his knowledge of this Scottish form of speech it may be difficult to determine, but there can be no doubt that he did not use it without authority, and it may be presumed that he regarded it as specially appropriate to a Scottish chieftain.

Turning again to Scottish authorities ; Hugh Rose in 1683 wrote a notable work on the history of his family, 'A Genealogicall Deduction of the Family of Rose of Kilravock,' in the course of which he frequently makes use of this defining 'the,' as applied to the surnames of the heads of families. He speaks of Godefridus Ross, 'who did good and faithfull service to the Bruce' (15), and says that Hugh, Earl of Ross, 'was father also to another daughter, by marrying of whom The Fraser gott Philorth and Pitsligo' (23). Again he says, 'the said Marie did marrie the Fraser' (27), and, 'A third daughter of the Bisset, was this Elizabeth Bisset' (27). He mentions 'two sisters, heirs portioners of the Bisset' (31), and records that 'the Historie of The Douglas mentions Hugo de Cadella' (61). Finally he mentions 'William Sinclar, a great friend to the Douglas' (94). It is impossible to ignore the significance of these numerous instances. Evidently the use of 'the' in combination with the name of the head of an ancient family was so familiar to Mr. Hugh Rose that he employed it habitually and without any suggestion that it was other than natural and customary.

Four years earlier than the 'Genealogical Deduction' there is a letter dated 26 November, 1679, addressed by an Inverness lawyer to Sir Hugh Campbell of Cawdor, which concludes :—

'Ye may likewise acquaint me what ye have done with the Chissolme.' According to tradition the head of the Chisholms had, at least from the beginning of the fifteenth century, been styled 'The Chisholm,' and Miss Catherine Sinclair, in her *Sketches and Stories of Scotland*, first published in 1840, gives the prototype of the story which was later fathered upon the Erse chieftain, when she describes Erchless Castle as still 'belonging to the descendants of that old chief who said there were but three persons in the world entitled to be called 'The'—the King, the Pope, and the Chisholm.' 'The Chisholm' is a designation of old standing; it has persisted from generation to generation, and is still recognized and employed by persons conversant with the niceties of Scottish phraseology.

The few instances here given of the distinctive use of 'the' with a surname might easily be multiplied. They are, however, sufficient to substantiate the actuality of the use of 'the' as a distinctive epithet implying chieftainship, and to prove that this usage is no mere modern affectation.

But not one of these examples gives ground for the belief that the practice arose or obtained amongst the Celtic chieftains of Scotland and Ireland. On the contrary, all the names mentioned, associated with 'the,' would appear to be of territorial origin, and certainly not one amongst them bears any resemblance to a Celtic patronymic.

The combinations of the Gaelic *am*, *an*, the, with Highland patronymics, such as Mac Mhic Alasdair (Macdonald of Glengarry), MacLeóid (M'Leod), MacCoinnich (M'Kenzie), is in fact impossible, and the only parallel combination known to Celtic scholars appears to be *an t-Siosalach*, the Chisholm, which of course is not a patronymic, and so has no bearing on the question.

In Gaelic the chief of a clan is known simply by his patronymic, as Mac-an-Toisich (Mackintosh), MacMhuirich (M'Pherson), MacDhomhnuill Dhuibh (Cameron of Lochiel), without the addition of Christian name or other qualification, and when the name occurred in English it followed the same rule, though in many cases, as Lochiel, Glengarry, the chief was often colloquially spoken of by the name of his property or estate.

Written instances of Gaelic patronymics thus employed to denote chieftainship are not, however, of frequent occurrence, for, as with the epithet 'the,' the usage was colloquial or vulgar rather than formal. It is not difficult, however, to quote a few examples.

In the year 1490 the Thane of Cawdor of that time docketed a

deed as 'The Bande betuix Me and M'Kyntossych anent the Mereage of Huchon Allanson,' while in the deed itself Mackintosh is described in formal terms as 'Doncane Mackintosche capitane of the clancattane'; and in 1527 another deed is docketed in a contemporary hand, 'Ane Band betwix the Knight of Calder and M'intosche Fowlis Kilraookis and utheris,' the first being 'Hector M'intosych Capitan of the clanchattan,' the second Hector Munro of Foulis, and the third Hugh Rose of Kilravock. Again, in 1581 there is a 'contract of appoyntment betwix the Laird of Calder and M'intosche,' and as late as the year 1698 occurs an 'Act renewing M'Kintoshes Commission.' Many more examples could readily be found.

But nowhere in early writings can examples be found of the use of 'the' as an epithet preceding a Gaelic patronymic, nor is there any justification for supposing that it could originate in a similar form in Gaelic, which did not and could not exist.

Whether in sober earnest or in works of fiction, the now familiar combinations 'The Mac—' and 'The O—' are not to be found earlier than the beginning of the nineteenth century. The earliest instance that has been noticed occurs in Sir Walter Scott's *Rob Roy*, written, or at least published, in the year 1817.

'What fellow are you,' demanded Rob's wife of the douce Glasgow Bailie—'What fellow are you, that dare to claim kindred with the MacGregor?' The collocation occurs repeatedly, particularly in the thirty-first chapter of the story, where Francis Osbaldistone has his stormy interview with the freebooter's dour spouse.

Contemporary, or nearly contemporary with *Rob Roy*, *i.e.* between the years 1813 and 1823, there was painted by Sir Henry Raeburn a well-known picture which is now always described as a portrait of 'The Macnab of Macnab.' If at the time it was painted it was entitled, as there is no reason to doubt, a portrait of 'The Macnab of Macnab,' it is highly probable that this was the first authentic use of 'the' applied as an epithet to the Gaelic patronymic of a living person, and it may have been adopted by Raeburn or by Macnab, possibly even by way of a jest, in direct imitation of 'the MacGregor,' presumably invented by Scott.

From this time 'The Mac—s' and 'The O—s' rapidly increased in numbers, both in fiction and in real life, and there can now be enumerated The Macdermott Roe, The Macgillicuddy, The Mackintosh, The Macnab, The O'Clery, The O'Donoghue, The O'Donovan, The O'Gorman, The O'Kelly, The O'Morchoe,

The O'Reilly, and many more. It is, however, noteworthy that the Irish have taken much more kindly than the Scots to this form of hereditary distinction, if such it may be called.

It may be doubted whether any of these appellations were at first in any way authorized, though the use of 'The Mackintosh' has been justified, so far at least as the present chief is concerned, by the Royal Sign Manual, and it is probable that others have received a similar informal authorization. They may be compared (though the analogy is by no means close) with 'The Knight of Kerry' and 'The Knight of Glyn,' and with the ancient and now familiar 'The Master of' conceded to the eldest sons of Scottish Barons.

It may then be concluded that in early times, and down to the close of the seventeenth century, the heads of Scottish families bearing Lowland or at least territorial surnames were occasionally, if not frequently, distinguished from others of their kindred by the distinctive epithet 'the,' of which practice the only 'living' example is to be found in 'The Chisholm.' In the nineteenth century the form was imitated by the Highland Chiefs, not at all improbably misled by Scott's use of 'the MacGregor' in *Rob Roy*, and in the present day 'the' has come to be regarded, popularly at least, as the normal epithet to apply to the surname of a Scottish or Irish chieftain which happens to be a patronymic beginning with Mac or O'.

JAMES DALLAS.

The Seafield Correspondence¹

THIS interesting publication of the Scottish History Society is of great importance. As may be gathered from the title its principal contents are the correspondence of the Chancellor, Sir James Ogilvie, Earl of Seafield. This correspondence has not been published before, and the editor, Mr. James Grant, in his well-written preface and in his numerous annotations to the letters published in this volume, has given evidence of the most careful and thorough research.

James Ogilvie, who was the second son of James, third Earl of Findlater, and of Lady Anna Montgomerie, eldest daughter of Hugh, seventh Earl of Eglinton, was born on 11th June, 1663. In 1673, he and his elder brother Walter, Lord Deskford, were in their parents' absence in the south left to the care and teaching of Mr. Patrick Innes, who continued for some years to be their tutor. Accompanied by him in May, 1675, they were sent to the University in Aberdeen. After a short sojourn in Holland, James Ogilvie returned and pursued his legal studies in Edinburgh. He was admitted a member of the Faculty of Advocates, 16th January, 1685.² On 1st March, 1689, he was returned to the Convention Parliament as Commissioner for Cullen. Later that year he was knighted. In March, 1693, aided by his relative, William, third Duke of Hamilton, William's chief minister in Scotland, he entered the Government of Scotland as Solicitor-General. In the same year he was made Sheriff of Banffshire. In January, 1696, he was made conjunct Secretary of Scotland along with the Earl of Tullibardine, on the dismissal of James Johnston, son of Sir Archibald Johnston of Warriston. By

¹ *Seafield Correspondence from 1685 to 1708*. Edited, with Introduction and Annotations, by James Grant, LL.B., County Clerk of Banffshire. Pp. xxvi, 497. Frontispiece Portrait of James, First Earl of Seafield, K.T., Lord High Chancellor of Scotland. With Index. 8vo. Edinburgh: Printed at the University Press by T. & A. Constable for the Scottish History Society, 1912.

² He married probably early in June, 1688, Anne, a daughter of Sir William Dunbar of Durn.

letters patent, dated 24th June, 1698, he was created Viscount Seafield and Lord Ogilvie of Cullen, and was appointed President of the Parliament which met at Edinburgh on 16th July, 1698. He was Lord High Commissioner to the General Assembly of the Church of Scotland in 1700.

On 24th June, 1701, he was created Earl of Seafield, Viscount of Reidhaven, and Lord Ogilvie of Deskford and Cullen. By a new commission under the Great Seal, 12th May, 1702, the Duke of Queensberry was conjoined with Seafield in the Secretaryship of Scotland, who in the same year was appointed one of the commissioners to treat for a proposed union between the kingdoms, which came to nothing. On 21st November, 1702, he was appointed Lord High Chancellor of Scotland, and on 5th February, 1703, Lord High Commissioner of the General Assembly which met at Edinburgh, 10th March, 1703.

In 1704 he was ousted from the Chancellorship by the Marquis of Tweeddale, but on 17th October in that year he was made Joint Secretary of State with the Earl of Roxburgh. On 9th or 10th March, 1705, he recaptured the Chancellorship from Tweeddale. In March, 1706, he was appointed one of the Commissioners to treat with England for a union, and when the Lords Commissioners of both nations appointed to negotiate the treaty of union met in London from 16th April to 22nd July, 1706, and agreed on articles which were thereafter referred to the Parliaments of England and Scotland, Lord Seafield, as Chancellor of Scotland, presided over the Scots Commissioners. On 20th June, 1707, Seafield received a new warrant for a commission as Lord High Chancellor of Scotland, and on 13th May, 1708, he received a warrant for a commission as Lord Chief Baron of the Court of the Exchequer. He was chosen in 1707 as one of the sixteen Representative Peers of Scotland, and was continuously re-elected until 1727.¹

The above short sketch of his career, the fact that he was responsible for carrying out in Scotland William III.'s hostile attitude with regard to the Darien scheme, as well as the original contemporary and partly official account of the French invasion of Scotland in 1708, at the end of this Correspondence, show the great historical importance and interest of this work.²

¹ See *Scots Peerage*, iv. pp. 37 and 38 (article Findlater).

² The letters contained in it should be read along with Seafield's and other letters in *Carstairs State Papers and Letters*, the *Marchmont Papers*, vol. iii., and the letters published in the *Historical MSS. Commission, Fourteenth Report*,

On both sides Seafield was connected with many of the principal families of Scotland.¹

He had the faithful service of several assistants, for whom in turn he secured promotion. Among these were Nicolas Dunbar, Sheriff-Depute of Banffshire; John Anderson, Depute-Clerk to the Privy Council of Scotland; James Baird, Writer to the Signet; Alexander Ogilvie, Depute-Keeper of the Signet, afterwards Lord Forglen; and John Philp, his private secretary. James Baird became associated with Lord Seafield as his servitor and secretary. On 26th November, 1696, he was appointed Clerk to his Majesty's Wardrobe in Scotland. He was the founder of the family of the Bairds of Chesterhall, Midlothian. He was a distant kinsman of the Bairds of Auchmedden, Newbyth, and Saughton Hall.²

Lord Seafield's father was, like most of the Scots nobility of these days, in considerable money difficulties. Lord Seafield, however, was not only able to clear these off, but the fortune he acquired enabled him to buy such places as Boyne, Kempcairne, Burdsbank, and considerably to extend his inheritance.

Appendix, part iii., from the Marchmont MSS. and the MSS. of the Countess Dowager of Seafield.

¹ His mother, Lady Anna Montgomerie, was a daughter of Lady Anna Hamilton, daughter of James, second Marquis of Hamilton. Lady Anna Hamilton's two eldest brothers were the first and second Dukes of Hamilton. James the first Duke, for his adherence to Charles I., was beheaded in Palace Yard, Westminster, 1649. William, the second Duke, fought for King Charles II. at Worcester, where he was wounded, and died nine days after the battle. Anna, eldest daughter of the first duke, and first cousin of Lady Anna Montgomerie, succeeded William, the second duke, as Duchess of Hamilton in her own right. Her younger sister Susan or Susanna married John Kennedy, seventh Earl of Cassillis. Their daughter, Lady Anne Kennedy, married in 1694 her first cousin, John Hamilton, Earl of Ruglen, fourth son of Anne, Duchess of Hamilton, afterwards Earl of Selkirk and Ruglen. After her death he married, 1701, her sister-in-law, Elizabeth Hutchinson, widow of John Lord Kennedy.

The Countess of Findlater, Lady Anna Montgomerie, had a half-sister, also Lady Anna Montgomerie, who married Sir Patrick Ogilvie, Lord Boyne.

² On p. vii of the Introduction, the statement that Alexander Ogilvie of Deskford and Findlater married as his second wife Elizabeth, natural daughter of Adam Gordon, Dean of Caithness, *founder of the Earldom of Sutherland*, demands some qualification. The Earldom of Sutherland is understood to have been founded in the thirteenth century by William, the great-grandson of Freskin, a person of unknown descent but presumed to be of Flemish origin, who flourished in the time of King David I. It was Adam Gordon, nephew of the Dean of Caithness and second son of the second Earl of Huntly, who married Elizabeth, sister of the ninth Earl of Sutherland, and through her acquired the earldom. (See *Scots Peerage*, iv., pp. 525, 530, and viii., pp. 334, 337.)

On the 24th of December, 1685, the Chancellor Perth returned from London a convert to Roman Catholicism, and at once established and attended the public celebration of Mass in Edinburgh. On the 31st of January and on the 1st of February, 1686, the Puritan populace rose in riot, threatened to pull down the Mass-House, and threw mud on the Chancellor as he came out of it.

A copy of the king's letter to the Council dealing with the incident, was sent north by James Ogilvie to his father, the Earl of Findlater. After commencing with the usual formula, it goes on:

'Having bein extreamly sur(pry)sed to hear of the insolencies comitted by a tumultuous rable in o^r city of Edinburgh, whilst yow and our uther judicators wer in ye place, and y^t ther insolvency should have gon the lenth of affronting o^r cheif minister, and yet so much lenity showin in punishing a cryme so imediatly touching o^r Royall Person and authority, wee have now thought fitt to let yow know that wee have not only ye character but lykwayes the person of o^r Chancclour so much in o^r particular care, as wee will suport him in despyt of all ye attemps or insolencies of his enimies, and therfor doe require you to take y^t care of his persone and have y^t respect for his character, as may convince us of your affectione to us and obedience to o^r commands. In the nixt place wee heirby requir you to go about the punishing of all y^t wer guilty of this tumult w^t ye outmost rigour of our lawes. Nor can wee imagin any either remiss hes bein or will be in ys, except those who have bein favorers of yr re(bellious) designe. But above all is o^r express pleasur y^t yee try into y^e bottom of this matter, to try out those who have eyr by worde insinuatione or utherwayes sett on ys rable to ys villanus attemp, or encouradged ym in it, and y^t ffor ye finding of ys out ye spare no legall tryell by tortur or uyrwayes, this being of so great importance y^t nothing more displeasing to us or mor dangerous to our Government cd possibly have bein contrived, and wee shall spar no expence to know ye rise of it. Wee again comand yow again to be diligent in ffinding out ye whole matter and punishing the guilty, as lykwayes to use your utmost endeavours for preventing ye lyk vilanies for ye futur. Efter wee shall hear what ye nixt post shall bring, yow shall know o^r ffather pleasure in ys matter.'

This document is dated at Whitehall, 9th February, 1686. No wonder people began to see that the continuance of the Stuarts on the throne was quite incompatible with Protestantism and religious and civil liberty.

Some years later we have a reference to Coubin, *i.e.* Alexander Kinnaird, whose estate of Culbin, in Morayshire, was devastated by sand in 1695, and was the cause of special legislation by Parliament, which the Act narrates 'was occasioned by the forsaid bad practice of pulling the Bent and Juniper.' The Act forbids such practices in future, and the Treasury was subsequently recommended by Parliament to let the laird of Culbin off paying any Cess for his vanished property.¹

The statement that William, Lord Inverurie, eldest son of Sir John Keith, first Earl of Kintore, after the remission he got on 27th November, 1690, for being out with the Jacobites, 'seems thereafter to have lived at peace,' ought to be qualified somewhat; as in this case 'thereafter' only means till 1715, when he fought on the Jacobite side at Sheriffmuir, and was deprived of his office of Knight Marischal. After that he is said never to have shaved his beard.²

Sir James Ogilvie, on 19th October, 1693, writes to his father about the death and funeral of his youngest brother, Robert Ogilvie, a cornet of Dragoons: 'My Lord,—I knowe befor this tyme you have hade ane accompt of the death of your sone, and which no doubt is ane great afflictione to yow. Bot, since the Lord who gave him to yow hes taken him from yow, it is yo^r Lops. deuty to submitt to providence. It may be your satisfacti-
one that he died sencible and penitent, and was weill caired for the tyme of his sickness. I was fullie resolved to have wittnesed his interment, but the multiplicity of my affaires, and being somewhat undisposed by reasone of the surpryseing account I hade of his death, necessitats me to stay heir.'

Lady Marie Graham, mother of George Allardes of Allardes (Allardyce of Allardyce), who married Lady Anna Ogilvie, Lord Findlater's daughter, also writes on 8th November on the same subject to Sir James Ogilvie: 'Your brother died werie happily and his last words was to me, after some eladgiations, he had good neues to tell me, the great God was comes for him. And he was cairfully atended by his fititions.'

Lady Marie Graham was the eldest daughter of John Graham, Lord Kinpont, and sister of William Graham, second Earl of Airth and Menteith. It is through her that the Allardyses claim the earldoms of Strathearn, Menteith, and Airth.³

¹ *The Acts of the Parliament of Scotland*, vol. ix., pp. 452, 453, 479.

² *Scots Peerage*, vol. v., p. 241 (article Kintore).

³ *Scots Peerage*, vol. i., p. 142 (article Airth).

In a letter to Sir James Ogilvie, apparently from Mr. John Anderson, dated Edinburgh, 4th April, 1694, we read :

‘M^r Lauchlan, the teacher of ane Inglish schooll at Glasgowe, wes tryed, and appoynted to be scourged throwe Ed^r this day, and banished to the plantaⁿs ; but the Councill have this day chainged the scourging to the standing on the pillorie here this day, and at Glasgowe this day eight dayes. His cryme wes the seduceing and persuading sojors to desert ther chairge.

‘Troyilous Balyie ane ensigne recomendit to the Thesaurie for apprehending one W^m Gledstons (Gladstone), a Bass rebell, to receive 20 lib, st.

‘The E. Hume, Oxfurd, Drumcarnie, Ednam, Gledstons, Gairltoun (Sir George Seaton), and other prisoners of the government are liberat upon caution to answer when called, and tuo myles confinement to ther houses.’

In a letter addressed to Sir James Ogilvie of that ilk from Mr. John Anderson, dated Edinburgh, 27th April, 1694, we read that ‘The poor sojors lye still in the road, be reason of the contrary winds, and some of them have dyed of vermine.’ Another letter to him from Mr. Anderson, dated 4th May, 1694, says : ‘My Lord Advocat speaks of the strength of your vsquebea (whisky) and gives you his service, as lykwayes doth my Lord-Justice Clerk.’

On 7th January, 1695, Sir James Ogilvie writes from Edinburgh to his father : ‘Excuse my not wreitting with my oun hand, because of a deffluction hes fallen doune in my face with the toothaick ; naither dare I wreit to my wyffe with one other hand, bot I hope your Lop^e will remember me kindly to hir, and I will be impatient till I hear of hir recoverie. My present distemper does not discouradge me, because I ame so freaquently accustomed with it’ ; and in another letter to Lord Findlater on the 28th of the same month Alexander Ogilvie, afterwards Lord Forglen, writes : ‘S^r James hade ane great defluction in his cheek, and it brock within three dayes befor he took journey, so that at his waygoeing he was wery well in health.’

Sir James Ogilvie writes to his father from London on 12th Feb., 1695 : ‘You can order my brother Deskfoord and his servants as you please. I will not medle with him, bot leave that to your Lo. He is your son.’ On the 18th June, 1688, his father, soon after Sir James’ marriage, had written him about his elder brother, Walter, Lord Deskford, in the following terms : ‘I heave at this time little to wreat to you, butt heaving so sure

ane occasion I cannot butt desier you to remember to consult your bussines of the convayence of my estate in your person ; for although Walter be nou in my house, yett be his still frequenting the Popish chappell and continouing in odd and most unaccountable actions, ther can be no good expected of him, so ye need to be the mor circumspect in garding your selfe against his evell.' This purpose of the Earl of conveying his estate past Lord Deskford, as he had became a Roman Catholic, to his second son James, was afterwards carried out.

On the 11th May, 1699, James, now Lord Seafield, writes from Whitehall to Mr. William Lorimer, Lord Seafield's Chamberlain : 'The account you gave me in yo^r last of my brother my Lord Deskfords death did much surprise both me and my wife, we haveing heard nothing of his sickness. We were bred at schools and colleges together, and our mother nurst us both, and therfor you may believe that I am much troubled. However it is a satisfaction to us that he was calm in his sickness, and that he had apprehensions of death. I shall be glad to hear that he has been honourably burried, and what is expended that way I do very chearfully allow.'

Lord Deskford died unmarried. There had been a proposed marriage between him and Anne, eldest daughter of Arthur Ross, the last Archbishop of St. Andrews in 1686, but in the end it came to nothing, and on the 7th June, 1687, she married, as his second wife, John, fourth Lord Balmerino.

The date of Viscount Stair's death,¹ 25th November, 1695, and the editor's annotation (p. 170), quoted from the article on Stair in the *Scots Peerage*, does not tally with the following letter to Lord Findlater, dated 26th November, 1695, from Andrew Craik, writer in Edinburgh, who in the absence of James Baird in London, appears to have acted as agent or secretary for Sir James Ogilvie in Edinburgh: 'President Stair dyed three dayes agoe, and this night betuixt fyve and sex at night his corps was transported from his loodges to the Abey of Holyruidhous under a pale, the murners nobilitie and gentrie beng surroundit on each syd of the strat with numerous torches.'

In a letter to Sir James Ogilvie from Charles Ritchie, dated Edinburgh, February 5, 1696, we read : 'Wpon the 30 past the *Royall Sovereigne*, one of the greatest and stoutest best ships that ever ploued the ocean, and who never failed to baffle her greatest foe that ever she mett with, and who so often contended with

¹ *Scots Peerage*, vol. viii., p. 119 (article Stair).

y^e elements of fire and watter, was by the carelessness of a tarpalian about 5 in the morning set on ffire and burnt doune to the water, and in her some men consumed. All hands was at work, but not any releife, but to hinder her to communiat her flames to the rest. Ther was non of her officers aboard, but they are all seized, and to be tryed for life for being absent, and the fellow that sett her on fire.'

A letter from Mr. John Anderson, dated at Edinburgh, 1st April, 1696, is inscribed 'To THE RIGHT HONOURABLE THE EARLE OF FFINDLATER Banff with haste 9d Keepe the postage till the nixt occasion.'

Mr. Patrick Innes, writing from Banff on September 14, 1696, designated the Jacobites as 'The Crankies.' In some of the letters they are called Killiecrankies or Gillicrankies.

Lord Seafeld's sister Mary seems to have married a son of George Leslye of Burdsbank, and in a letter of Nov. 18, 1698, Lady Seafeld writes to her father-in-law from Whitehall that she is 'sory that you shoud have so mortifieing a sight in the church as Burgbanks famaly. I am shour the seeing of them will be mor unesy nou, when your daghter is in shuch a famaly. I think she is as un[ha]ppy being maried to so debas[a m]an as in hir formar misfortun, save the ofens it gave to Almighty God. I dou not love to wret much on this subgek, sins the thoghts of it will be so unplesant to your Lo.'

In a postscript to a letter to Lord Findlater from Nicolas Dunbar, dated 'Castlfield 28th Oct 1704,' we read: 'I am sorie to tell your Lop. that Lady Marie wes maried 25 7^{ber} to George Barkley in Bamff, sone to Alex^r, the certainty qroff is just now come to my hands.'

John Philp, writing from Whitehall on 22nd December, 1698, says: 'Lord Eglintone is married on a woman about 84 years of age. She has 500 lib. st. of joynture. They are gone to the cuntry to live. Her last husbands name was Kea ane English squeir.' An annotation explains that Lord Eglinton (Alexander, eighth earl) married on 8th December, 1698, as his third wife Catherine Lady Kaye, daughter of Sir William St. Quintin of Harpham, Yorkshire. He was her fourth husband. She died on 6th August, 1700.

On 17th January, 1698, Lord Eglinton writes from London to Lord Findlater: 'My Dear Lord,—I do return yow my most hearty thanks for yo^r keynd letter in wishing me joy in my mariage. I thank God I find my self very happie by a most

kynd wife, and am placed w^t her in one of the pleasantest places in England; and in makeing of it I did every thing by the advice and consent of my dear and keynd nephew yo^r sone. Therefore ye may conclud it is good.'

James Baird writes on the 28th June, 1699, from Edinburgh to Lord Findlater: 'Bracco and Birkenboge have ordored the payment of the bill draven upon them and accepted by them, bot I have not as yet receaved the money, his sone in law being at Tulleibodie keeping phisitians from the old man who is dyeing a verie miserable death. I went ther upon Satturday last, and was sorie to find him in such a lamentable condition. His left leg is swelled als big as a post, and it with his foote and all is als black as pitch, and all putrified to that degrie that, if a knife wer put in his leg from the on side to the other, he would not at all find it naither in leg nor foote, and it hes a very nautious smell. His other leg is beginning the same way, and a few dayes will carie him off.' Mr. Baird remonstrated, but ineffectually, about no doctor being called in. He goes on to say, 'I truely beleive, if the old laird dye not soone, the young man will dye of melancholy.' Old Tullibody, George Abercrombie of Smirth, died on the 26th June, 1699, two days before the date of this letter. Duff of Braco's son-in-law, Alexander Abercrombie, second son of Sir Alexander Abercrombie of Birkenbog, married Mary Duff, one of his daughters, and succeeded Tullibody, his cousin. Alexander was ancestor of General Sir Ralph Abercromby and the Lords Abercromby.

In a letter of Alexander Ogilvie, afterwards Lord Forglen, to Lord Findlater, dated 23rd Febr., 1700, we read: 'I parted with the Secretarie in wery good health at Coper Smith yeasterday about twalve acloack.' Till recently Cockburnspath in Berwickshire was pronounced Copper Smith locally.

Lord Seafeld's eldest son, James Ogilvie, writing to his grandfather, Lord Findlater, from Aberdeen, on March 1, 1701, says: 'My Lord,—I am sensible of your Lo. kindness towards me, and return you hearty thanks for the watch which I have received. It will be very useful to me, and as your Lo. ordered, I shal caus dress it and take care to keep it well as a token of your Lo. kindness'; and his tutor, William Blake, writes on 7th March: 'The master continues well, blissed be God. He is very fond of the watch your Lo. has sent him, and would be glade of an opportunity to shew how much he reckons himself obleidged to your Lo. As to that rupture betuixt the colledges, it was truely

very dreadfull, for gentlemens sons in both were in hazard of their lives evry hour for 8 or ten dayes together, but now, blessed be God, all differences amongst the students are composed, and they converse together in great friendship and amity. The master judged them both fools, and never thought of sydeing with either of them.'

John Donaldson, a writer in Banff, writes to Lord Findlater on 23rd July, 1701: 'The postage of all single letters from Cullen to any place betwixt and Kinghorne is 2s., and double letters accordingly.'

The 'famous robber' and 'great villean Alestar More,' mentioned in a letter by the Earl of Kintore to the Earl of Findlater, dated 8th December, 1701, may be Alistair Mòr, champion of the Clan Grant, whose portrait is at Castle Grant.

On March 8th, 1702, Lady Seafield wrote to Lord Findlater from Whitehall of the death of that great and noble man William III. : 'My Lord,—I wret this leeter with the sadst hart I everer wrot one. This day about eght aclok in the mornen the King dayed without any disese bot perfit wekness. I dou belive his fall from his horse did dou him ill, bot the colar bon which was brok at that thym was qut holl. On Tusday last the third of March he lost his stomak, did eat no dinor, had a litell fit of the eago. On Wadsenday he had another fit, and on Thoursday a third. Thy war not violint, and that night had a litell lousness, and the nixt day vomoted whatever he eat or drunk. His wometing stayed at four aclok, and his phisions thocht that he might requer, for thay all concluded he had no fever or any disese bot weakness. At about four oclok on Seterday he turen so weak that his phisions began to loos ther hops, and he took death to him seleff, told them thy nid not trubell them selives or him with many cordiells, for he douted not bot he wold day very soon. The Bishops of Canterrebery and Sallasbeary atended him as chaplens, and prayed severall tymes to him on Saturday, and this day about four or five aclok in the mornen he took the sacrament with much confort, afterwards spok to soom about him, recomended the ceare of soom of his privat pepirs to Albemarell, and gave his hand to all his frinds about him, and bid them adeu, and imedetly closed his eys and expayred without any thrack or vielent moshon. He had all his seneses and intelektuales intir till the last minit of his liff. My Lord had a short adiens of him on Wadsenday, when he spok very kyndlie to him and of the Scots nashion and mighty fordvard for the uneion. I am shour ther is no honast

or Cristien Scotsman bot will be senseabell of this ireparabell loss. God preserive the Protastant church and the libarty of Europ.'

On May 25, 1702, we have an interesting reference to a ride with the harriers in a letter to Lord Findlater from Alexander Abercrombie of Glassaigh: 'My Lord,—I beg pardon for pairting with your Lo. so abruptly, but I was ill mounted and my horse having flung a shoe, it was not in my pouer to come up again; besides some have a frett that the hare should be killed, so that I followed her, killed her, and gave her to the parson to eat.'

In reprisal for the seizure in England and condemnation of the *Annandale*, the officers of the African Company seized in Leith roads the *Worcester*, an English ship in the East Indian trade. On the confession of two of her crew, Haynes and Linstead, Captain Green of the *Worcester* and others of the crew were on 5th March, 1705, condemned to death by the Scots Court of Admiralty on charges of piracy and of murdering Captain Drummond of the *Speedy Return*, belonging to the African Company, and his crew, in Madagascar waters. On 27th March Queen Anne wrote to the Scots Privy Council ordering a reprieve until the court proceedings were looked into. Writing again on 7th April, with an affidavit that Captain Drummond was alive, the Queen left the Privy Council a free hand in the matter of a reprieve. Feeling was very bitter at the time against England, and Captain Green, Captain Madder, and Gunner Simpson of the crew were executed on 11th April. Several letters dealing with this affair show the reluctance of many of the Scots nobles to attend the Privy Council to support a course of clemency, and the strained relations between England and Scotland.

On the 24th May, 1705, James, fourth Duke of Hamilton, writes to the Earl of Seafeld, now Lord High Chancellor of Scotland: 'My Lord,—You neaded have laid noe restriction upon me not to comunicat what you wrotht to me, for I protest I cant yett find out the secritt. You great men gett a way of wrytting soe mistically that plain countrie gentilmen like myself will need plainer langwag befor I can understand you. If the Comissioner has great poures allowed him, I supos the publick will soon see itt, and when your Lop. will be pleased to honor me with the knowledge of any thing, I begg it may not be in soe reserved a strain. All I desire to know is when the Parleament will certainly meet, which I hope will not be made a great

mistery of to your Lop. most affectionat cussine and humble servant.
HAMILTON.

Kenull, May 24, 1705.'

Colonel John Buchan of Cairnbulg, brother of the Jacobite general who was defeated at the Haughs of Cromdale, writes to the Earl of Seafield, 25th June, 1705: 'The means of export from this countrey, and whereof for one I resolve to be ane undertaker, are barrelled herings such as the Dutch, barrelled cod for the east countries, dry cod for the coasts of Portugall Spain and the Streights, and distilled spirits of corns to Holland, where is a very great consumption off trash Genever, farr inferior both in taste and strength to the spirits shall be made here.'

Mr. William Blake, Lord Deskford's tutor, writes from Utrecht, 19th June, 1705: 'My Lord Deskfoord lives in good friendship and correspondance with the English and Germans here. He walks in the fields with them, converses in coffee housses, receives and returns their visits, but never goes allong to the tavern, nor ever makes a pairt in their night caballs. They doe not generally apply themseyles to any study, but for most pairt spend their time and their money in the prosecution of their pleasures, which seemes to be their prinll bussieness here.'

The Earl of Gallaway, whose defeat at Almanza is mentioned in the postscript of a letter from Alexander Abercrombie of Glassaugh, dated London, May 29, 1707, is Henri Massue de Ruvigny, second Marquis de Ruvigny, a famous Huguenot general, created Earl of Galway, 12th May, 1697.¹

Sir William Baird of Newbyth (eldest son of Sir John Baird, Lord Newbyth, a Lord of Session), writes from Edinburgh, 19th February, 1708, to Lord Seafield as follows: 'Ther are a greatt deall of pains takeing hear, for secureing the ensueing elections thowrow the shyres of North Brittain, and I thowght it my dewtie to lett yowr Lo. know that I have designed to stand for the electione heer in MidLothian, and for that end I begg yowr Lo^s protectione and approbaⁿ, and I can assur yowr Lo. that I stand addiccted to no partie, but shall be verie readie to goe in to yowr Lo^s measures.'

Two days afterwards James Baird, W.S., Findlater's former Secretary, and now Depute Clerk of Justiciary, who had acquired

¹ See pp. 432 and 433, and *Dictionary of National Biography* under Massue de Ruvigny.

an interest in Midlothian, writes to Lord Seafield asking if he shall give his vote to Sir William Baird.¹

The volume concludes with interesting letters dealing with the French Invasion of 1708.

The few extracts that have been here given will serve to indicate what sidelights are thrown by this volume on the social and political history of the time. It deserves careful perusal by all who are interested in Scottish history and genealogy, and we hope that Mr. Grant will continue to explore and make public the many letters and documents still remaining in the archives of Cullen House.

CASSILLIS.

¹ On p. 102 an account is given, in an annotation, of Colonel Patrick Ogilvie's (a brother of Seafield), of Lenmay and Inchmartin, first marriage to Elizabeth Baird, daughter of Sir James Baird of Auchmedden, Sheriff of Banff, and widow of Sir Alexander Abercrombie of Birkenbog. This marriage has escaped the notice of the writer of the Findlater article in the *Scots Peerage*, though given in the Genealogical Collections concerning the surname of Baird, 1870 edition.

Jacobite Papers at Avignon

AMONG the manuscripts in the 'Bibliothèque de Ville' at Avignon are several documents relating to the affairs of James III. of England and VIII. of Scotland during the years 1716-1717. The most important of these papers is the Journal kept by Dr. Brun, a physician residing in that city in the early part of the eighteenth century. This MS. (3188) was acquired by the library in 1896.

From 1715 to 31 Dec., 1717, Dr. Brun has transcribed in this volume a record of the principal events occurring in the various states of Europe, gleaned from the gazettes, particulars derived from official documents concerning the Legation at Avignon and Roman affairs, and his own observations of the actions of James during his stay in that city. His statements concerning the king's visit have all the authority of an eye-witness of the events recorded. Other MSS. containing papers relating to the Stuarts are :

- MS. 1725. Letters from Queen Mary, the minister Nairne, and others.
- MS. 3437. ff. 305-309. Two letters to the Comtesse Perussis, signed James R., and dated respectively 29 Oct., 1727, and 18 Jan., 1728.
- MS. 2818. f. 28. Instructions from the Sacred Congregation of the Holy Office of the Roman Inquisition sent to the Vice-Legate at Avignon in 1716, concerning the attitude to be observed by the authorities towards the king's Protestant adherents.
- MS. 2827. A volume of municipal records—contains on fo. 611 an official list of the Scottish, English and Irish exiles who arrived in Avignon on 2 April, 1716; probably compiled for the use of the Vice-Legate Salviati, governor of the city.

LISTE DES ANGOIS DE LA SUITE DE JAQUES III ROY
D'ANGLETERRE ARRIVE A AUVIGNON EN 1716 LE 2 AVRIL.

M^r le duc d'Ormond, generalissime par terre et par mer.

M^r le duc de Marr, premier gentilhomme de sa chambre.

Milords. Maresshal, Soulhark [Southesk], Panmure, Linlithgow, Tullibardin, Kilsyth, Kingston, Ogilvie, George Murray, Keith frère de M. Maresshal, et Askein frère (*sic*) de M. Soulhark.

Lieut. generaux. Kclin (*sic*), irlandois, Hamilton, Gordon, Phaster [Foster].

Brigadiers. Corbes [Corbet], Macintosh, Hay ecuyer du roi, à present Milord Hiuerness [Inverness].

Colonels. Clephant, Cameron, Stewart de Appin, Campbell, Camerones, Campbell de Glenlion, Iusus (*sic*), Livingston, Truin de Banut.

Lieut. Colonels. Oncs (*sic*), anglois, Waleincha [Walkinshaw], Elphinston, Maxton, Forbes.

Maiors d'Inf. et Cavalerie. Fleming, Hepburne, Makincha [Mackenzie], Smith, Arthur, Lesly, Lauder, Macpherson, Macintosh, Coelzbuine [Cockburn ?].

Capitaines. Stalket (*sic*), irlandois, Preston, S^t Clair, Frazier, Falconer, Douglas, Collier, Sharp, Nairne, Lesly, Mazuel [Maxwell], Butler, Gordon, Crichton, Dalmahoie, Mackinsie, Charlton, Littleton, Accuol (*sic*), anglois, Macdonald, Bourke, Lestrange, O'Brien, Askin, irlandois.

Lieutenants. Ker, Fergusson, Boswell, Lindsay, Maclean, Lindsay.

Docteurs. Lesly, Hamilton, Lesly, Barclay, Worrol, Patterson.

Secretaires. Kennedy, Paterson.

Soubsecretaires. Egigar [Edgar], et Keir.

Medecins du roy. Blair, Vignar (*sic*).

Chirurgiens. Arnaud (*sic*) ecossois, Hay.

Gentilshommes. Ellis, trésorier, Askhein [Erskine], Kesch [Keith ?], Ogilvie, Alexander, Fuzier [Fraser], Forsingan de purée [Fotheringham of Powrie], Forsingan fils, Brisbane de Brisbane, Fuberne (*sic*), Wood, Tailor, Ker, Fulastron [Fullarton], Murray, Menzies, Hairstanes, Askin, Sharp, Green, Evingston [Elphinstone], Cameron, Hazel, Smith, Beanton [Balfour of Beaton ?], Potts, Meiklewright, Stilwort, Hobson, Forman.

Liste des Seigneurs Catholiques. Le duc de Perth, Milord Gal- [verso]
moye, Nierdal [Nithsdale] sauvé par sa femme de la prison de

Londres, M^r Wington [Witherington ?] sauvé de Londres, Clermont, Seaforth, Sheldon, Macdonel de Clanranald, Fleming, Macdonald, Buude (*sic*), le Chevalier Ekins, Trauagnon [Trevanion ?], Moreland, Strickland, Butler, MacMahon, Wogan, Macdonald, Wigby [Rigby ?], Wood, Albergomby [Abercromby ?] medicin, Machua [McGhie ?], Trauagnen [Trevanion], Akers, Sicleworth (*sic*), Nairne, de Lassire, Brouner, MacCarthy, S^t Paul, Boubler (*sic*), Rhodes, Siulir (*sic*), Fitzgerald, Cuog (*sic*), irlandois, Mathew, Linch, apoticaire, M^r Drumond.

[endorsed] Noms des anglois venus avec le roy d'angleterre en 1716 a auignon.

To return to Dr. Brun's diary¹ (MS. 3188. ff. 170-431) :

f. 170. He mentions that King James landed in Scotland on 2 January, 1716.

f. 172. Ce 29 Mars 1716 le Vice-legat Salviati a reçu une lettre de Lion qui l'advertit que le roy d'Angleterre estoit arrivé dans cette ville la, et qu'il seroit demain icy. Le Vice-legat lui a envoyé au devant M^r d'Autana, capitaine de la cavalerie avec son fils, à 11 heures du matin dimanche de la Passion, et il est allé le tantot aux Celestins pour disposer des appartements pour loger ce Roi qui mene les Milords qui se sont sauvés avec luy d'Ecosse.

verso Le 31 Mars le Lieutenant des Gardes du roi Jacques 3 est arrivé icy. Il visita les maisons qui pouvoit convenir au Roy, il choisit celle de M^r le cadet de Serre ou est le commandant qui en sortira.

1 Avril 1716. le roy doit arriver icy ce soir . . . M^r d'Autana, capitaine de la cavalerie du Pape icy, arriva hier premier de ce mois. Il trouva le roi a Vienne, où il lui rendit la lettre du Vice-legat. Il a raporté la lettre du roi : et qu'il couchoit au S^t Esprit et arriveroit le second de ce mois. Le Vice-legat lui a envoyé des chevaux du coté du Languedoc, ne jugent pas à propos qu'il passa par Orange à cause du Prince d'Orange qui dethrona son père le roy Jacques 2.

fo. 173. Le 2 Avril, le Roi d'Angleterre arriva icy par Villeneuve où M^r d'Autana l'attendit avec quatre chaises et deux cavaliers sans la juste-au-corps uniforme. Il voulut marcher sur la chaussée. Il estoit au milieu du Comte de Marr et M^r d'Autane. Il se mit en chaise et entra par la porte du Maille sans ceremonie comme il a souhaité . . . Il alla droit chez M^r de Sarre proche S^t Didier

¹The entries from the Diary are transcribed in French. When a synopsis of the less important entries is given, the synopsis is in English.

ou il doit loger. Il arreta le Vice-legat pour souper avec luy, qui fut surpris de l'honneur qu'il lui fit. M^r d'Autane y soupa, le Vice-Legat s'excusa sur la colation du Carême, mais il se trouva chez M^r de Sarre quand le Roy arriva.

4 Avril... le duc d'Ormond est arrivé sur les quatre heures vers le soir. Le Roy est allé rendre visite au Vice-legat et à l'Arch-evêque après diner, et ensuite est allé promener aux Celestins avec quelques gentilshommes de cette ville.

Le 5 Avril. Il est arrivé des equipages du Roy avec une berline et une chaise roullante—les ecussons sans armes.

Brun then narrates the deception practised by the Regent, who, after permitting King James to purchase arms and equipment for 20,000 men, refused to allow the shipment from France. Men were ready to support his cause in Scotland, but arms and ammunition were lacking owing to the Regent's action. In order to conceal his expedition James set out from Lorraine accompanied only by his surgeon St. Pol, who was disguised as a lackey in a shabby green livery, while his master called himself M^r du Plessis. They made their way to Brittany, following by-ways, sometimes on mules, sometimes on foot, lodging in pot-houses, and thus avoided detection.

Milords Panmure et Drummond logent chez M. de Ville-fo. 174. franche... Le roi avoit le Comte de Marr à sa droite dans le carosse en se promenant à raison de l'incognito.

Le Comte d'Arran, frère du duc d'Ormond, a été élu Grand-fo. 174 v. Steward du Chapitre de Westminster: l'évêque de Rochester, violent Tori, conclut en faveur du susdit comte.

Le 8 Avril. Le roi entend tous les jours la messe à S^t Didier un peu après 9 heures. Il y a été aux Ténèbres mercredi ou l'on a fort mal chanté la musique... Il fait gros froid depuis 6 mois et gele encore...

Le roi a entendu la grande messe à Nôtre Dame des Doms, fo. 175. l'archevêque Gontieri officiant. Le roi voulut voir faire les Saintes huiles ce jeudi saint 9 Avril 1716.

Il fut ensuite à l'office des Ténèbres aux Pénitents Gris. La fo. 175 v. musique y fut bonne, Villefranche étant recteur.

Il crea hier le Duc d'Ormond et le Duc de Perth chevaliers de la Jarretière, et Milords Panmure et Dromond chevaliers du Chardon, ancien ordre d'Ecosse que Jacques 2 son père avoit retabli.

Le Roy portoit aujourd'hui l'ordre du Chardon avec un ruban verd. Il est grand, le taille deliée, age de 28 ans, le visage ovale et creuse de petite verole, le nez aquilin et avantageux, le teint

brun clair, l'air gracieux, un peu melancolique, la demarche ferme et degagée, il n'est ny gras ny maigre, et a l'air fort gracieux. Le Vendredi Saint il entendit la messe à S^t Didier, et il fut le premier à l'adoration de la croix après les pretres, et il assista à la procession du S^t Sacrement avec un flambeau à la main. Il entendit le soir l'office des Ténèbres aux Celestins. . . .

fo. 176. Le Samedi Saint — ce matin le Vice-legend luy a envoyé un present qui consistoit en un grand bassin de becassines et de pluviers, un autre de perdrix et de becasses, un autre bassin de leuraux et de lapins, une grande corbeille de poulardes, une grande cage dorée et peinte de dindons, un autre de poulets, et la troisieme de pigeons, un veaux, trois agneaux de camp, deux gros moutons, tout cela en vie excepté le gibier, et quantité de toute sorte de vins de Champagne, de Bourgogne, de Vienne, et ailleurs . . .

Dimanche de Paques (après l'etre confessé hier à S^t Didier du père de Viganeques recteur du College des Savoyards qu'il [le roi] envoya chercher) l'Archeveque Gontieri se rendit à S^t Didier à 7 heure et dit la messe dans laquelle il communia le Roy d'Angleterre, qui ensuite entendit une messe basse dans la meme chapelle du Bon Ange, après laquelle il dona aux chanoines un louis d'or pour distribuer aux pauvres . . . Ses carrosses arriveront bientot avec un cinquantaine de chevaux.

fo. 176 v. Le 16 Avril le roy fut à l'assemblée de Madame de Villefranche. . . . le Duc d'Ormond doit partir demain pour Bourdeaux. Le Roi a pris pour medicin M^r Parreli.

Le 19. Dimanche in albis, auquel jour l'Archeveque faisoit la Communion paschale aux ieunes filles à S^t Didier, le Roy y etant allé à la messe, dona 16 louis d'or au Prevôt Garein pour les pauvres.

Le Roy va promener très souvent au cours de S^t Michel les heures entieres en carrosse avec le duc d'Ormond, le Comte de Marr, et milords Panmure et Drumond.

fo. 177. News arrives at Avignon from Ratisbon, dated 2 April, that King George has presented a memorial to the Diet praying the princes of the German empire to refrain from allowing King James to find a refuge in their States. Twelve Scottish gentlemen have landed at Dunkirk. Bolingbroke is in Paris. An extraordinary stir in England between the Tories and Whigs regarding the next election of members for Parliament which is summoned to meet soon. Queen Mary is suffering from cancer, and Mr. Fagon, the late king's physician, thinks she will live barely two months.

From Edinburgh (31 March)—the Earl of Breadalbane is still in prison. Lord Glenarghoni [Glengarry ?] is captured.

From the Gazette d'Hollande—The trial of the Earl of Oxford still proceeds. King George has instructed his ambassador Stair to request the Regent not to give asylum to the fugitives from England, and to banish them from France. The Regent has replied that the right of asylum is inviolable in all civilized states, and that he will observe the clauses in the Peace of Utrecht touching the person of King James.

Le 24 Avril—Le duc d'Ormond est allé ce matin [prendre] le fo. 177 v. chocolat et le café chez le père Inquisiteur.

Le 26 Avril—Le roi a été diner aux Chantilins avec le duc d'Ormond le Comte de Marr, milords Drumond et Panmure, messieurs des Yssars, Villefranche, Madame des Yssars, Madame Chigi, et les deux Doni filles. La Yssars et la cadete Doni antrerent (*sic*) dans le carrosse du Roy auxquelles il dona le main pour les faire entrer les premieres . . . Il fut de retour le soir à sept heures et demi. Le roy fit porter tous les preparatifs du repas et obligea les religieux de prendre 10 louis pour les petits frais qu'ils avoient fait.

le 27 Avril—Le thrésorier du Roy arriva et luy enmena [amena ?] 80,000 ecus en or. [Later the name of the king's 'grand thrésorier' is given as 'Chiardon.']

On ecrit d'Edimbourg du 7 Avril—

fo. 178.

'Cadogan avoit bruler les terres de Stenau [Struan] Robertson, et avoit surpris le capitaine Scot dans la maison de Robertson. On l'amené icy en prison avec 8 autres gentilshommes qui sont le Lord de Bonimnon [Carnegie of Balmamoon ?], Methuen, Bamber, la Firish [Lafferys] père et fils, le colonel Urghort [Urquhart], le capitaine Auchmoory [Achmouty], et M^r Ramsey. On dit le Marquis de Huntley et le Lord Rollo seront mener icy demain.'

Le Milord Nithsdale arriva icy hier au soir—4 May 1716—fo. 178 v. c'est celui que sa femme sauva de prison de Londres en le revêtant de ses habits de femme.

Milord Stair a fait des plaints au Regent que le Roy Jacques fo. 179. rescoit trop à Avignon. On ne scait pas encore ce que le Regent lui a répondu du 1 May.

On ecrit d'Edimbourg le 9 Avril :—

'Frazer de Beaufort par ordre du General Wightman avoit arrêté le Comte de Cromarty et le Lord d'Inchcoulte, et les avoit conduits en prison . . . Major Clephane s'embarqua à Montrose

pour retourner en France avec le colonel Hay... On ne sait pas si le Comte de Seaforth est encore dans les montagnes, ou s'il a passé en France.'

- fo. 180. De Londres, 17 Avril :—' On assure que le comte de Carnuat [Carnwath] aura la grace, que le comte de Widdrington et le Lord Nairn seront transportés dans les colonies de l'Amerique, et que le comte de Wintoun restera dans la Tour de Londres pendant sa vie.'

Le Pape a écrit au Roy Jacques pour luy temoigner le joie qu'il a de son arrivée à Avignon. Il luy offre le palais, Rome, et toutes les villes de ses Etats. Il a ordonné au Vice-legat de luy fournir mille ecus romaines par mois : mais le Roy n'a point voulu recevoir cette pension, et en a remercié le Pape...

- fo. 182. le 13 May. Milord Drumond est parti d'ici pour aller à St Germain voir le Duc de Perth son père qui est à l'extrémité.

Le 14 jeudi — il est arrivé par le Rhone un grand bateau rempli de seigneurs Anglois. Demain les 36 chevaux du Roi doivent arriver. Il a reçu toute sa vaisselle, et il a renvoyé au Vice-legat Salvati toute la sienne et tout le linge qu'il luy avoit prêté. Milord Melford est arrivé pour voir le Roy : il a épousé Mademoiselle de Lussan veuve du prince d'Albemarle frère du Mareschal de Berwick.

- fo. 183. Le 18 May — On a en ouis que le sieur Forster s'est sauvé à Calais sur un petit battiment appartenant à un nommé Coucy.

- fo. 185. King James refuses invitations to dinners and balls—' pendant que ses amis etoient si cruelement traités en Angleterre'—news of the cruel repression of the Jacobite rising having been received from London and Edinburgh.

- fo. 188. Forster, qui s'est sauvé des prisons arriva icy hier 26 May, Il alla rendre visite au Vice-legat.

Les lettres de Londres au Roy disent que 40 prisonniers d'Etat, qui etoient dans Newgate, s'etoient sauvés après avoir poignardé le capitaine et le lieutenant qui venoient pour les enfermer sur le soir. Ils furent decouvert par le corps de garde qui tira sur eux et tua plusieurs et contraignit une partie de reantrer. Neuf se sont sauvés absolument. [Including Brigadier Mackintosh, *vide* fo. 190 v.]

- fo. 188 v. Le Docteur Wood medecin du Roy, qui est prisonier à Edimbourg, a été examiné.

- fo. 189. May 29. An account is given of the arrest of Macdonel and his valet, on suspicion of coming to Avignon to assassinate the

King. They were banished on June 12, under the threat of being hanged if found again on the Pope's territory.

News from Paris of 16 May—Forster while in Paris was not fo. 190. allowed to enter any café, and the Regent ordered him to leave the city.

Juin 7. dimanche de la Trinité. Le Roy soupa chez Doni fo. 190 v. avec le duc d'Ormond et la Quinton, la Perrucy veuve, Isautier et Quinton. Ils etoint 14 à tables, Doni, le chevalier Doni et Villefranche etoint à une petite table apart. Ce repas coute 150 livres. Le Roy fit porter de son vin de Champagne 30 bouteilles et une grande caisse de vin de Florence. Le Roy dansa avec les dames. Il va souvent a la promenade à cheval avec 15 ou 16 de ses gentilshommes à cheval . . .

Le 11 Juin. Il arriva hier vingt mulets chargés de vin de fo. 196. Champagne au Roy.

Le Roy a vu passer la procession de la Fête Dieu chez M^r de Brante, avec tous les Anglois Catholiques . . .

Le 12. il est arrivé au Roy six charretes chargées de ses equipages, avec six seigneurs Anglois.

14 juin. Dimanche—le Roy a assisté à la procession de sa fo. 200. paroisse S^t Didier ayant un cierge de demi-livre à la main, accompagné d'une grande quantité de Noblesse et la Soldatesque du Pape mêlée dans les rangs des chanoines et à la Croix. Derrière le Roy il y avoit douze fusiliers, les valets de pied du Roy au nombre de huit personnes . . .

Dimanche 21 juin on celebra dans l'église S^t Didier le jour de fo. 203. la naissance du Roy, qui entra dans sa 27 année. Il assista à la grande messe à 10 heures . . . toute la musique de la ville et grande illumination . . .

Le 22 juin—le Roy a soupé chez Milord Southesk . . . fo. 203 v.

Le 25 juin—le Vice-legat fixa le loyer de la maison que le Roy fo. 204. tient de M^r de la Marine toute meublée avec 40 linceuls et 10 douzain services pour le prix de 800 ecus de rente annuelle : et pour ce que M^r d'Antraignes donne de sa maison on l'a fixé à 700.

Milord Drumond est arrivé icy le 1 juillet, revenant de Paris fo. 205. ou il assista à la mort du Duc de Perth son père.

Le 2 juillet—Il est arrivé icy ce matin Milord Edouard fo. 206. Drummond que le Roy avoit cru perdu . . . Il a été attendre le Roy au sortir de la messe de S^t Didier, qui l'a embrassé et baisé fort tendrement plusieurs fois, et le milord de la baisé et embrassé de meme devant tout le monde qui étoit fort attendri.

- fo. 207 v. le 9 juillet — le marechal de Vilars est arrivé ce soir . . . et il alla incontinent rendre visite au Roy . . . le 10 il dina chez le Roy, qui avec le duc d'Ormond eurent une conference secrete avec le marechal pendant une heure et demi. Il monta en carrosse de chez le Roy et parti à 3 heures pour Paris.
- fo. 208. le 13 juillet — le Roy est allé voir la fontaine de Vaucluse avec tous ses courtisans excepté le duc d'Ormond. Les officiers de bouche etoint partis le matin à 2 heures pour y appreter un grand diner . . .
- fo. 213. Milord Clairmont fils du Comte de Middleton loge chez Lucarelli.

LISTE DES ANGLOIS QUI SE TROUVENT PRESENTEMENT À AVIGNON
JUILLET 1716.

Milord Duc d'Ormond. M^r Butler et M^r Bagnel ses parents, M^r Kennedy son secretaire, M^r Stoken, capitaine, son ecuyer.

Milord Duc de Marr, ministre et secretaire d'Etat et premier gentilhomme de la Chambre, M^r de chevalier Ariskin [Erskine] son parent, M^r Paterson, p.¹ et M^r Creagh, c.¹ ses secretaïres.

Milord Duc de Perth, c. Milord Panmure, p. et son medicin M^r Blair, à present medicin du Roy, p.

Milord Nithsdale, c. Milord Galmals [Galmoye] lieutenant-general, gentilhomme de la Chambre.

M^r Sheldon, vice-chambellan, et lieutenant-general des armées du roi de France, c.

M^r Trauançon [Trevanion ?] chef d'Escadre, gentilhomme servant de la chambre — Anglois, p.

fo. 213 v. M^r Strickland, capitaine de Cavalerie, gentilhomme servant de la chambre — Anglois, c.

M^r Nairne, secretaire du Cabinet et du Conseil privé, c.

M^r le Chevalier Ellis, controleur de la maison et tresorier ou payeur, p.

M^r Evlascre [?] ecuyer, c. M^r Hay colonel et ecuyer du Roy, p.

M^r Bromer, controleur de la bouche, c. anglois.

M^r Macreary, chef des gobelets, c. irlandois.

M^r Masticé, chef de cuisine, c. irlandois (*sic*).

Messieurs S^t Pol et Boubleds, valets de chambre, c.

Messieurs Rhodes et Stile, valets de chambre et de garderobe, c.

M^r Carill, gentilhomme de la Reine, anglois.

¹[*Note.* c. is for Catholique, p. for Protestant.]

M^r Corbette, brigadier d'armée, p. M^r MacMahon, capitaine de cavalerie, c. M^r Ord, gentilhomme, anglois, c.

M^r Obrien, capitaine d'infanterie, c. M^r Bureshe, capitaine d'infant. p. M^r Magdanel [MacDonnell] capitaine d'Infanterie, p.

M^r Sulwort, gentilhomme, anglois. M^r Leslie, ministre protestant.

M^r Hamilton, ministre protestant. M^r Rigby, capitaine de fo. 214. vaisseau, anglois. Le general Hamilton, p. M^r Forster, qui etoit general à Preston, anglois, p. Le colonel Ocrent [Clephane?], anglois, p.

M^r Nairne, capitaine, frère de M^r Nairne qui fut pris à Preston et condamné à mort, et qui se distingua par son intrepidité en mourant, c. M^r Eclens, lieutenant-general, p. M^r Abercromby, docteur en medicine, c.

Wogan officier pris à Preston et sauvé des prisons avec Mackintosh.

Milord Tullibardine fils du Duc d'Athol, p. Milords George et son frère, p. Milord Mareschal, p. M^r Linlithgow, p. Milord Southesk, p. M^r Areskin [Erskine] frère du Comte de Buchan, p.

M^r Flammeng [Fleming] frère du Comte de Wigton, c.

Milord Clermont fils du Comte de Middelton, c.

Le Vicomte de Kilsyth, p. attendu ici. Milord Edouard Drumond, c.

Le Duc de Melford avec l'Abbé son frère, c. Il est Comte de fo. 214 v. Lusan en France par sa femme. Il est à sa terre.

In a later hand is added—Lussan veuve du Prince d'Albemarle frère du Maréchal Berwick.¹

Selon les lettres du vice-legat reçues le 26 juillet, le roi George n'ira plus à Hanover parcequ'il voit des grosses dispositions à une revolution en Angleterre . . . On a oté au Duc d'Argyle toutes ses charges . . . et il s'est retiré en Ecosse.

On assure que le Pape a fait compter 12,000 ecus romains ce mois icy au Roi Jacques.

Le Duc d'Ormond a reçu aujourd'hui 29 [juillet] une lettre de fo. 216. Londres dans laquelle on lui marque que le roi George est parti le 17 juillet, et que quand il fut parti les troupes ecrivirent sur leurs casernes 'Maisons à louer à present.' On mit le meme placard sur le palais du roy.

Le 28 aout — le Duc d'Ormond a mené coucher à L'isle les fo. 226 v.

¹ Marie-Gabrielle d. and h. of Jean d'Audebert, Comte de Lussan, marr. 1st, in 1700, Henry, Duke of Albemarle.

trois Doni avec leur père. Ils verront demain la fontaine de Vaucluse. Les Anglois sont nuit et jour dans leur maison.

fo. 239. Le 19 Sept. le roy n'est pas allé à la messe. Il est incomodé des hemorroides ou fistule.

Le general Gordon arriva d'Ecosse avec 17 seigneurs de ce pays la.

From this date till Nov. 24 are numerous entries regarding the king's health.

fo. 245. Sept 28. M^r Wood le medecin du Roy est arrivé d'Ecosse. Il fit saigner le roy . . .

fo. 253. Oct. 15. Il y a icy de grands mouvements parmi les Anglais, il en est parti plus de 30, tous gens distingués . . . et il en est arrivé plus de 40.

fo. 254. Oct. 20. Le public a sçu aujourd'hui que la maladie du Roy etoit un fistule et non pas les hemorroides. La reine sa mère luy a envoyé le plus habile chirurgien de Paris nommé M^r Guerin, qui a fait l'operation ce matin fort heureusement . . .

Le Duc d'Ormond mene quelquefois les Doni à l'Opera.

Milord Clermont, Macdonal, et Mareschal, et trois autres ont donné souper à la Denoyers et trois ou quatre actrices de l'Opera au jardin de Castelet.

fo. 255 v. 23 Oct. . . ce soir le roy avoit la fièvre. Le Vice-legat a envoyé ordre a toutes les eglises et couvents qui sont à portée de la maison de Roy de ne point sonner leur cloches à branle pendant huit jours après la Toussaints à compter d'aujourd'hui.

fo. 257 v. Oct. 28. jeudi, le Duc d'Ormond a regalé à Chantili une vingtaine de personnes parmi lesquelles etoint les trois Doni dans le carrosse du Roy avec le duc.

fo. 262. 7 Nov. La playe du roy pousoit trop vite les chairs, on luy a appliqué le camphre pour bruler ce trop d'excescence. De 400 à 500 Anglais qu'il y avoit icy il n'en reste pas presentement 150.

Les cloches sont encore dans le silence jusques à Lundy au soir.

fo. 277. Le Roi va de mieux en mieux. Les cloches qui n'ont pas sonné à branle depuis un mois recommenceront le 21 de Nov. de sonner. Il doit sortir dans quelques jours . . .

fo. 279. 24 Nov. le roy a commencé avoir ce soir quelques messieurs de cette ville.

fo. 284. 30 Nov. les Ecossois de deux religions ont celebré la fete de S^t André. Ils portoient tous à leur chapeaux une croix de S^t André, l'ecusson de taffetas de la grandeur d'un ecu blanc avec la croix de fil d'argent. Le roi ne paroît pas encore. Les cloches commencent à sonner excepté à Matines.

Le roi se montre depuis quelques jours avant diner à tous les fo. 285.
Messieurs de sa Cour. Demain 8 Dec. 1716, il entendra la
messe à S^t Didier . . . Il n'étoit point sorti depuis le 15 Sept. . . .
On assure toujours qu'il partira bientôt, les uns disent que c'est
pour Bologna, les autres assurent que c'est pour Bruxelles . . .

le 16 Dec. le Roy est allé visiter les Doni. fo. 287.

le 20 Dec. 4 dimanche. le Roy entendit la predication de fo. 288 v.
l'abbé Brunet, incognito, dans S^t Didier. Rude tems, pluye et
verglas. . . .

22 Dec. le duc d'Ormond doit partir dans 15 jours, ainsi que fo. 289.
le general Gordon et quelques autres. On croit . . . quelque
mouvement cet hyver en Ecosse. Guerin le chirurgien est parti
ce matin pour Paris.

2 Janvier 1717. Le roi est allé entendre la messe dans la fo. 291 v.
chapelle de Notre Dame du Chapelet à la cathedrale pour remercier
la Sainte Vierge touchant sa guerison.

Le Comte de Winton, qui etait prisonier à la Tour de Londres, fo. 293.
condamné à la mort, et contrefit le fol, est arrivé icy s'étant sauvé.

14 Janvier — il est arrivé 40 tonneaux de vin de Champagne fo. 295.
au Roy, et 4 barrails pieces qu'on a mis dans les caves de
Doni.

23 Janv. M^r Dillon lieutenant-general en France arriva icy ce fo. 296 v.
soir. C'est un homme d'environ 60 ans, bien fait.

2 Fevrier. Tous les Anglais sont fort affligés d'être forcés par fo. 298.
le Regent de quitter Avignon pour aller demeurer en Italie. Le
Roy meme et le Duc d'Ormond en sont accablés. En general
ils se louent tous des habitants de cette ville.

4 fev. jeudi gras. Il y eut encore grande fête au Palais ou
le Roy se rendit après 6 heures accompagné du Duc d'Ormond,
Duc de Marr, Duc de Perth, de milord Penmure, milord
Edouard, milord Clairemont, milord Mareschal, le comte de
Tullibardine et son frère, et le frère du duc de Perth, en chaises
avec 20 grands flambeaux de cire blanche, et plus de 100 Anglois fo. 298. v.
à pied, tous officiers et pages du Roy, tous les mois. Il a été ce
matin à la messe, et en sortant il a fait donner 100 livres pour les
pauvres, et 24 livres pour les deux clercs qui ont servi la messe
pendant les dix mois qu'il a resté icy . . .

L'archeveque Gontieri a écrit à son frère qu'il vint au devant
du Roy au Mont Cenis avec les gens necessaires pour le descendre
en chaise de la montagne . . .

Samedi 6 fevrier 1717 — le jour etoit de plus beau. le Roy
vint entendre la messe à S^t Didier à 9 heures—et comme le fo. 299.

pardon etoit en cette eglise il demanda qu'on donna la benediction du très S. Sacrement ou il alloit tous les soirs la prendre. Après quoy toute la Noblesse de cette ville l'accompagnant il vint monter dans son carosse à la porte de l'église. Il recut tres gracieusement tous les saluts, et etant entré dans le carosse il mit la tete dehors et salua par trois fois tout le monde. Le Vice-legat monta et se mit à coté du Roy, le duc d'Ormond monta après et ensuite le duc de Marr. Il y avoit une litière pour le Roy, et une chaise de poste, et plusieurs fourgons chargés d'hardes couvert de toile cirée. Il est allé diner aux Chantilins et couchera à Orange. Il reste encore icy beaucoup d'Anglois pour quelques jours . . . Le Roy ne prendra point des domestiques à Bologna . . . Il mene à sa suite 70 personnes, le reste ira par mer et l'embarquera icy sur le Rhone.

fo. 299 v. Le Vice-legat fut de retour de Chantilins pres de 5 heures avec le cortège. La famille Doni, père, mère, et les 3 filles, l'ont accompagné à Orange ou elles couchent avec la comtesse de Perrucy. Les Doni sont arrivées le 7, Dimanche a 4 heures de soir, d'Orange. Le Roi logea au Griphon. L'eveque fut le complimenter et offrir son palais. Les Consuls demanderent l'honneur de le saluer . . . Les Doni et le Comte de Rochefort souperent le soir au Griphon avec le ducs d'Ormond et de Marr. Le Roy, qui ne soupe pas le soir, vint les voir souper en robe de chambre et se retira un quart d'heure apres. Il partit [d'Orange] à 9 heures et alla coucher à Pierrelate . . .

fo. 300 v. Le 14 Fevrier le Roi devoit arriver à Chambari. Il a forcé ses marches pour sortir de France. il y séjournera iusques que la grande rigueur de la gelée soit moderée. . . .

Le 15 fev. le Roy a fait écrire au Vice-legat qu'il est arrivé à Oresse, château de M^r le Marquis de Roucet qui demeure icy. Les grands neiges et le grand froid l'ont arreté la. Il n'a pas voulu passer à Grenoble . . . M^r Dillon l'accompagne iusques hors du royaume. . . .

fo. 302. 19 fevrier. Notre Archeveque a receu une lettre de son frère le Marquis de Cavaillac qui lui marque comme le roi de Sardaigne son maître l'avoit chargé d'aller au devant du roi d'Angleterre pour luy offrir tout ce que depend sa majesté. Il a ordre de le deffrayer et toute sa suite, de luy faire rendre tous les honneurs, et de l'accompagner iusques à la sortie de sés Etats
fo. 302 v. . . . mais encor d'aller en avant dans le Dauphiné pour le prier de venir à Turin embrasser la reine de Sicile sa cousine. Il y a 1000 hommes pour netoyer les chemins remplis de neige et

500 chevaux pour l'accompagner . . . Le Duc d'Ormond [aussi] a écrit au Vice-legat ces nouvelles . . .

18 mars — Le grand ecuyer du Roi, Macdonel, est parti ce fo. 311. matin . . . Il passe icy des Anglois qui vont joindre le Roy. M^r Drumond neveu du Duc de Perth passa icy le 18. Il avoit été envoyé par le Roy. Je le vis chez la Cairane, il dit qu'il avoit fait 700^l, il s'acquitta de sa commission auprès du Czar qui est en Hollande . . .

le 24 mars — Le Vice-legat Salviati a reçu un courrier exprès f. 313 v. du Pape pour partir incessamment et aller joindre le Roy Jacques 3 à Urbino ou à Pesaro, où il résidera en qualité de Prelat-Président auprès du Roy. Notre Archeveque le sera à sa place, il a reçu sa patente.

On a imprimé à Paris plus que 20.000 portraits du roy Jacques fo. 315 v. qu'on a envoyé en Ecosse et Angleterre où son portrait se multiplie tous les jours. La Cour de Londres est fort troublée.

31 mars — Le roy est présentement à Pesaro . . . et comme l'esté y est très chaud, il habitera à Urbino . . . Il sera comme souverain dans ces deux villes. Le Vice-legat part le 8 avril pour aller le joindre. Il sera président dans ces deux villes pour la justice du Pape, et aura 2000 ecus romaines d'appointement.

Le Roy arriva à Monmelian le 14 février, le 16 il partit pour Aiguebelle, le 17 il arriva à Maurienne et logea à l'Eveché, le 19 il arriva à Modane et le 20 à Lanebourg, et le 21 à Suze. Il a été servi par les officiers du Roy de Sicile sur ses terres. Il embrassa ce Roy et la reine sa cousine. Le Pape a nommé le marquis Bufalini pour aller au devant du Roy et le servir dans sa route . . . Don Carlo Albani se rendra sur les confins pour le recevoir et le conduire à Pesaro.

le 5 Avril. le Vice-legat Salviati, florentin, qui a résidé icy fo. 317. près de 5 ans, est parti à 2 heures pour aller joindre James 3 à Pesaro où le roy arriva le 16 mars. Notre archeveque Gontieri, nommé à sa place, a pris possession ce soir à 5 heures . . .

De Genes 6 Mars — il arrive tous les jours des Anglois de la Suite du Roy duquel ils se sont séparés au pas de Suse. Il passa le 24 du mois dernier à Turin, et il a été défrayé sur les terres du Roi de Sicile, continuant sa route par Plaisance, Modene, et Bologne, d'où il se rendra à Pesaro.

M^r le chevalier Strinclam [Strickland] gentilhomme ordinaire fo. 319. du Roy écrit de Pesaro, au chevalier Doni icy le 20 avril, que quoique le séjour de Pesaro pour la ville et la compagnie fut assez beau, néanmoins que les habitants étoient sauvages et barbares,

que le vin ny vaut rien non plus que le pain, et qu'il y a deus mauvais carrosses dans cette ville. S. ne croit pas qu'on y puisse demeurer longtems sans perir de maladie.

fo. 325 v. 16 May 1717. A letter received from Salviati by M^r d'Autane captain of cavalry at Avignon, says that the Dukes of Ormond and Perth and many other seigneurs have left Pesaro . . .

fo. 326 v. 21 May, Milord Mareschal a ecrit à Madame de Soissan une lettre sans date . . . qu'il estoit parti fort content de Pesaro.

fo. 330 v. le 6 juin — Milord George, frère de Tullibardine, passa icy. Il alla voir les Doni ou il soupa. Il les assura que le Roy estoit à Rome depuis le 26. qu'il se porta bien et ses affaires de meme. Quant a lui il va à Nîmes prendre une remise d'argent et va attendre des ordres à Tolose.

fo. 331. Le roy Jacques a envoyé son portrait à M^r d'Antraignes [et] une belle montre d'Angleterre avec le boite d'or, un autre au père Viganeque son confesseur, et un autre au chanoine Curnier de S^t Didier son aumonier quand il estoit icy.

fo. 335 v. De Rome 29 may — Mercredi au soir le roy Jacques arriva icy incognito. Il fut complimenté de tous les Cardinaux dans la suite, et traité de Roy par Accioli cardinal doyen. Il vit passer la procession de Corpus Domini sur un balcon qu'on luy avoit préparé dans la place S^t Jacques. Le Pape etant arrivé au devant de luy le regarda et ensuite le S. Sacrement, et pleura de compassion.

fo. 340 v. De Rome juin. Ieudi le Pape se rendit à l'eglise des Ecossois ou l'on celebrait la fête de S^{te} Marguerite reine d'Ecosse : le roy d'Angleterre le receut à la porte, et il communia par les mains du pontife . . .

fo. 347. De Rome — Le Roy partira de Rome apres la fete de S^t Pierre pour aller passer l'esté à Urbino.

fo. 351. De Rome 10 juillet — le Roy fut au Palais prendre congé du Pape qui luy a fait present d'un Corps Saint de ceux qui sont dans la Sacristie de la chapelle pontificale du Quirinal, avec les sceaux d'or massifs d'une Croix de cristal avec du Bois de la S^{te} Croix.

fo. 379. le 22 Sept. Le frère de M^r Strinclan [Strickland] a été envoyé en poste par la reine d'Angleterre à son fils Jacques 3 à Urbino ou il reside. Il resté 2 heures enfermé avec le Roy, après quoy on doubla toutes les gardes, on mit des sentinelles dans tous les appartements, on ferma quatre portes de la ville, on en laissa deux ouvertes seulement, on fait la patrouille iour et nuit, on visite les maisons, et le Roy ne sorte plus de son palais. Le

duc d'Ormond y est arrivé et le comte de Marr y est attendu. La lettre des Doni marque tout ce détail.

Sept. 1717. Milord Peterborough qui alloit à Naples a été fo. 389. arrêté par ordre du Pape à Albano ou il passoit. On a saisi tous ses papiers, et les Sbirres l'on mené en prison. On croit qu'il avoit quelque dessein, par ordre du roy George, sur la persone du Roy Jacques.

Lettres de Rome disent qu'on a decouvert 18 Anglois qui fo. 396 v. s'étoient gliser à Urbino . . . qui avoient resolu d'assassiner le Roi Jacques, ou de l'enlever quand il seroit à la promenade. Ils ont tous été pris et traduits avec leur papiers et hardes en lieu de sureté.

De Modena 16 sept. 'le 11 de ce mois le comte de Peter- fo. 408 v. borough fut arrêté à Bologna par ordre de la Cour de Rome,' etc., etc.

De Bologna 21 Sept.—Peterborough, his secretary, and valets fo. 416 v. were set at liberty, no proof of their connivance in the alleged plot against King James having been discovered among their papers.

De Paris 18 Oct. la reine d'Angleterre a quitté Chailliot et fo. 423. est revenue demeurer au chateau de St Germain. On apprend de Rome que le Pape a envoyé au Chevalier de St George une compagnie de Cuirassiers pour le garder à Urbino.

le 11 Nov. la lettre d'Urbino de milord Clermont à M^r de fo. 430. Caumont [à Avignon] dit que le Cardinal Gualterio y étoit arrivé, qu'ils se portoient tous bien, que le Comte de Marr y étoit de retour d'Aix la Chapelle ou il prenoit les eaux et que le Duc d'Ormond y devoit arriver . . .

Here ends the pith of the entries relating to King James written by Dr. Brun. The items of news, extracted from the various gazettes of the period relating to the affairs of Scotland and England, copied by him into his Journal, are of great interest, and add much information to his own narrative, but are too extensive for insertion in this article. In the Bibliothèque de Ville I found no papers connected with the visit of Prince Charles Edward to Avignon in 1749.

R. W. TWIGGE.

Chronicle of Lanercost¹

CLOSE siege, therefore, was laid to the castle : those inside were surrounded by a deep trench, so that they could not get out ; wooden houses were constructed before the gate, and pavilions or tents were set up for the lodging of the chief persons in the army. Meanwhile it happened that Sir John de Stirling, warden of Edinburgh Castle, going forth with the intention of lifting some booty, was captured by craft by Sir William de Douglas and a large party which he had brought with him ; [Stirling] himself and two or three knights and about twenty men at arms [being captured], of whom some were killed and some were taken alive and brought to Edinburgh Castle by William de Douglas and his people. When they arrived there, William summoned the castle to surrender, promising faithfully if those within would do so that both Sir John whom they had captured and all those who were outside the castle with him, as well as all those within the castle, should preserve life and limb and all their goods, and a safe-conduct to go whither they would ; but that if they refused to do so, he declared that he would cause Sir John to be drawn there at the tails of horses, and afterwards to be hanged on gallows before the gate, and all those who were prisoners there with him to be beheaded before their eyes. But those who were within made reasonable and conciliatory reply, saying that that castle was a fortress of the King of England, and that, let what might befall Sir John and the others with him, they would not surrender it to Douglas or any other living man unless at the king's command. When William heard this, he did not carry his threat into effect, but sent all those prisoners to Dunbarton Castle, because there

MS. was no other good castle in possession of the Scots at that time
fo. 230 except that and Carlaverock Castle, belonging to the traitor Sir Eustace de Maxwell, who afterwards killed the knight Sir Robert de Lauder, the most intelligent man among the Scots.

¹ See *Scottish Historical Review*, vi. 13, 174, 281, 383 ; vii. 56, 160, 271, 377 ; viii. 22, 159, 276, 377 ; ix. 69, 159, 278, 390.

When my lord William de Montagu who was besieging Dunbar Castle, heard of these events, he took a strong force and came to Edinburgh, appointed another warden of the castle with a sufficient garrison to hold and defend it, and then he returned with his men to the siege of [Dunbar] Castle.

In the following Lent¹ Sir Andrew de Moray, Guardian of Scotland, died in his bed of dysentery, as some say; others, however, declared that he mounted an unbroken colt which threw him from the saddle, that one of his feet caught in the stirrup, and thus he was dragged by his foot and leg to death. The Steward of Scotland was chosen Guardian in his place.

Dunbar Castle held out stoutly and made a gallant defence, in despite of the close siege; and whereas the Countess of Dunbar,² who was in chief command of the castle, was sister of the Earl of Moray, he had been taken in Scotland, carried off to Nottingham Castle in England, and there placed in ward, as mentioned above, [to await] the King of England's pleasure.

In the same year my lord Pope Benedictus XII. commanded that twelve wise and discreet friars of the Order of Minorites, should be chosen to regulate discipline, together with the cardinals, certain bishops and masters of theology;³ which was done accordingly. The constitution having been considered approved, my lord the Pope placed them in a bull, and sent them in the bull to the Captain General that they should be scrupulously observed throughout the whole Order; howbeit he willed not that the rule of the Friars nor their other constitutions should be modified in any respect. Now the said bull contained nine-and-twenty minor chapters, wherein, among other things, it is provided that the custodians and wardens of the said Order shall be canonically elected.

After Easter⁴ the said Earl [of Moray] was taken back to Scotland, on the chance that his sister would surrender her castle in order to save his life; but she replied that the castle belonged to her lord and had been committed to her ^{A.D. 1338.} custody, nor would she surrender it except at his command; and when the besiegers told her that then her brother should die, she answered them—‘If ye do that, then shall I be heir to the earldom of Moray,’ for her brother had no children. Howbeit the English would not do what they had threatened, but [decided]

¹ 25th Feb.—12th April, 1338.

² “Black Agnes.”

³ The true date was in November, 1336.

⁴ 12th April.

rather to take him back to England and keep him in ward, as before.

Forasmuch as the King of France refused to agree to any good and reasonable terms of peace, the King of England directed his journey to France, and undertook himself a campaign with the aforesaid nobles in his pay. He took with him from England a great army of helmed men, archers and spearmen, in addition to those whom he had sent already with my lord William Earl of Northampton, which, as was commonly said, amounted in all to 30,000 men.

When the Scots perceived that the King of England was preparing himself to make war against the King of France, they besought a truce from him, and truce was granted them by the king to last a year from the next feast of S. Michael, provided, however, that if the King of England at any time within that term should feel dissatisfied with the truce granted, he might break it at his pleasure. But whereas the king, as aforesaid, determined to cross the sea, my lord William de Montagu and the other earls engaged with him in besieging the said castle of Dunbar, being unwilling that he should incur any danger without them, whom he had promoted to such high rank, granted truce to those within the castle, on condition that during the truce no change should be effected either around the castle, within the castle, nor in the buildings built by the English outside (albeit this condition was not afterwards observed); and so they returned to the king in England.

The king embarked with the aforesaid army at Portsmouth, about the middle of the month of July, a little before the feast of S. Mary Magdalene¹ in the year of the Lord aforesaid. Also the lady Queen of England went with him, in order that she might have intercourse with her kindred and friends beyond the sea. After the king had crossed, the Flemings left the King of France and adhered to him.

Shortly after the departure of the King of England across the sea, the King of Scotland² entered Scotland with a small following, the truce granted to the Scots notwithstanding, and there remained for some time at Perth.

[Here follows Edward III.'s letter to the Court of Rome, the people of France, etc., setting forth his complaint against King Philip, etc.]

¹ 22nd July. The actual date was 16th July, and the port of embarkation was Orwell, not Portsmouth (*Fædera*).

² Edward Balliol.

It is printed in Fædera as if issued on 7th or 8th February, 1340, but Father Stevenson observes that the Lanercost chronicler is probably right in assigning it to a date (not mentioned in the chronicle) soon after King Edward's arrival in Flanders. The original draft was destroyed by fire among some of the Cottonian MSS.]

In the year of the Lord one thousand three hundred and thirty [],¹ Edward the third after the Conquest, King of England, crossed the sea against the King of France, [having] with him Queen Philippa, the Earls of Derby, Northampton and Salisbury, and a large army. He landed at Antwerp, where he did not meet such good faith among his German allies as the Germans had promised to his envoys; but he remained there a year and more, exposed, with his people, to great dangers and at excessive cost, accomplishing nothing of importance except that he travelled to [visit] the Duke of Bavaria,² by whom he was received with honour. After a conference had been held, he was appointed Vicar of the Empire.³

When Pope Benedictus XII. heard thereof he wrote to him a letter of rebuke for having made a treaty with the enemies of the Church, in the following terms.

[Here follow the Pope's letters dated from Avignon, according to the chronicler, 1st November, 23rd December, 1338, 12th October, 1339; but there is considerable confusion in the chronology of this part of the Annals, and the dates do not correspond with those given in Fædera, where these letters may be found. However, the exact sequence of the correspondence is not of much moment. The Pope remonstrates with King Edward for entering into alliance with the Emperor, who is excommunicated, for his proceedings against the Bishop of Cambrai, for assuming the title of Vicar of the Empire. He denies that he granted the tenths to the King of France to aid him against the King of England, and offers to mediate in person between the two kings.]

The King of England sent to the said Pope by his ambassadors a letter justifying his alliance and declaring his just dealing with the realm of France. During the king's absence two cardinals, accompanied by the Archbishop of Canterbury and the Bishop of Durham, crossed the sea to promote the peace of the kings and their kingdoms. Having endured many hardships and perils,

¹ Blank in original. This passage seems to be taken from another chronicle.

² The Emperor Louis.

³ Walsingham (i. 223) states that Louis desired that Edward should kiss his foot on appointment, but that Edward refused, on the ground that he was an anointed king.

even under protection of the aforesaid cardinals, and having suffered from famine while remaining in Paris and Arras until the month of November, without effecting anything towards the peace of the kings and their kingdoms, they returned to the King of England in Brabant.

In the year of the Lord one thousand three hundred and thirty []¹ while the king was in Brabant, the Scottish leaders broke the truce they had accepted, inflicting much injury both by sea and land upon the English and their confederates in Scotland.

Early in July, Cupar Castle and the county of Fife were surrendered to William de Douglas, who had returned from France to Scotland with a strong armed force. Thence the aforesaid William marched to Perth with Earl Patrick and French mercenaries, laid siege thereto, and within five weeks, without much fighting, received the surrender of that town from its governor, to wit, Sir Thomas de Houghteryth. After the surrender, taking with them the booty obtained there, they embarked on the sea with a company of both French and Scots, and perished in a sudden storm which arose at sea.

In the same year, on the third day before the feast of the Assumption of the Glorious Virgin,² a marvellous flood came down by night upon Newcastle-on-Tyne, which broke down the town-wall at Walkenow for a distance of six perches, where 160 men, with seven priests and others, were drowned.

At the same time the King of England (the Duke of Brabant³ having left him), invaded the realm of France at the end of September with a large army, and carrying his arms against the district of Cambrai, he caused it to be burnt. On the feast of S. Michael⁴ he entered Vermandois, where he had been informed the King of France was lying with his army, intending to give him battle. And on the appointed day of battle, to wit the morrow of S. Luke the Evangelist,⁵ the King of England, having been assured that the King of France was willing to fight, took up his appointed position, distant about two leagues from the King of France, and waited there a whole day. But as the

¹ Blank in original.

² 14th August.

³ The chronicler names the Duke of Bavaria, but that is evidently wrong. The Emperor Louis was Duke of Bavaria. Brabant, however, did not desert Edward.

⁴ 29th Sept.

⁵ 19th October.

King of France and his army did not come to battle, as he had promised, the King of England, after mature deliberation, marched back into the duchy of Brabant. Howbeit he traversed parts of France with his army, killing, plundering, and burning over a space eight-and-twenty miles broad and sixty miles long, to wit, in the counties of Cambrai, Vermandois, Meuse, Tierache, Blois, Artois and La Flamengriá.¹

After the King of England returned from his expedition, many of his troops, English as well as German, returned to their homes; but the Earls of Derby, Northampton, Salisbury and Suffolk remained with him. At this time my lord Pope Benedictus XII. sent two cardinals to the King of England to convey his paternal exhortation that peace or truce should be concluded with the King of France. The King of England wrote to him in reply setting forth the grievances, injuries and annoyances he had endured from Philip, who was in occupation of the realm of France, and who had declined to negotiate reasonably with him either about a truce or a peace, which if he would do, he [King Edward] would be ready to come to reasonable agreement with him.

[Here follows a long letter from King Edward to the Pope, setting forth his grievances against King Philip, the advances he had made to him from time to time, Philip's refusal of his offers and the many injuries he had received from him. Printed in Fædera, 8th February. Also a declaration to the people of France as to the King of England's title to the crown of France and his intentions in regard to the same. Printed in Fædera.]

Meanwhile, the King of England, having prepared to sail back to England, being entreated by the community of Flanders, remained several weeks at Ghent, where the Flemings acknowledged him as rightful heir, King and Lord of France, and swore fealty and homage to him as to the rightful King of France. In compliance with their suggestion and advice the King of England assumed the title of King of France and the arms of each realm, to wit, of England and France, whereof he claimed dominion, and entitled himself King of England and France,² in

¹ Father Stevenson observes that the general narrative of King Edward's operations in this campaign is confirmed by an eye-witness, Johannes Hocsemius, a canon of Liège, whose history covers the period 1251-1348, and was printed at Liège in 1630.

² The title of King of France was retained by the Kings of England and Great Britain until A.D. 1801, when it was discontinued and the lilies of France were removed from the royal arms.

consequence of which he caused public letters given at Ghent to be displayed and published throughout England and France, and he besought the Supreme Pontiff for letters of absolution for the invasion of the realm of France. After which, with the consent and advice of the Flemings and the Duke of Brabant, he sailed for England with the Earls of Salisbury and Suffolk, leaving Queen Philippa in Flanders. After his departure William de Montagu was captured on the frontier of Flanders by some of the King of France's army and placed in prison.

In the same year on the sixth of the Ides of March,¹ my lord Henry de Beaumont died at Luthburg and was buried in the Abbey of Valle Dei on the morrow of S. Gregory the Martyr.²

In the year of the Lord mcccxxx []³ died William de Meltoun, Archbishop of York, and was committed to the tomb on the morrow of S. Gregory.⁴ My lord William de la Zouche succeeded him.

King Edward, the third of England after the conquest and first of France, held his parliament in London, demanding and obtaining a large subsidy from clergy and people in aid of [the wars] against

France and Scotland, taking a ninth of all produce from
A.D. 1340.

the people and a triennial tenth from the clergy, in recognition of which welcome concessions my lord the King of England and France granted and published a new charter, ratified the liberties of the Church in England and also renewed many, as is contained at length in his charter. In the same parliament he decreed and specially confirmed by his charter that, in regard of the claim which he made to the realm of France as rightful heir, king and lord, devolving upon him by the death of his uncle my lord Charles King of France, the realm of England should in no respect be subject to the realm of France, neither through him nor any his successor whatsoever, but that as regardeth divine things the succession and liberties should remain freely and totally separate. Parliament having ended he assembled a fleet and sailed for Flanders from the port of Orwell on the day before the eve of S. John the Baptist⁵ (which in that year was a Thursday), with a few nobles, to wit, the Earls of Derby, Gloucester, Northampton and Huntingdon, and only a few other nobles. Arriving off the coast he was informed that the fleet of Philip de Valois, at that time occupying the realm of France, was in hostile array with a great force of Normans and French to attack him and his people.

¹ 10th March, 1340.

² 13th March.

³ Blank in original.

⁴ 13th March, 1340.

⁵ 22nd June.

He sent forward the Bishop of Lincoln and Sir Reginald de Cobham to Sluys to stir up the Flemings (as they themselves had proposed) to fight the King of France's fleet on the morrow. On the morrow, therefore, to wit the vigil of S. John the Baptist, about the ninth hour, he prepared for battle, and, albeit he had no more than 147 ships against the immense fleet of the French, by God's grace he obtained the victory he hoped for, killing, drowning or capturing 30,000 of the French. But on the English side they killed but some four hundred men, with four noble knights, to wit, Sir Thomas de Mouhermere, Thomas de Latimer, John Butler and Thomas de Poynings.¹

After this victory the King of England and France remained at sea for three days, and then landed in Flanders, all men shouting, 'Long live the King of the French and of England! Blessed is he that cometh in the name of the Lord!' And although they had been some little incensed with him by reason of his long stay in England (the queen remaining in Ghent exposed to many risks, together with her English there who were in Flanders supporting the King of England and France) yet all those afflicted with king's evil who came near him were immediately made whole by his touch.

After this, the King of England and France, having rested in Ghent and held counsel with his people, marched with a strong force to Tournay and laid close siege to that city, to relieve which, Philip de Valois, occupying the kingdom of France, assembled a large army. To him the King of England and France wrote from the siege works, sending [the letters] by his ambassadors, giving him a triple alternative—to wit, that, as a means of deciding the dispute between himself and the aforesaid Philip, they two themselves should fight a duel for the settlement of their rights; or that Philip [should choose] one hundred of the most valiant knights of France, Philip himself being one of their number, and Edward [should choose] as many English knights, Edward himself being one of their number, and thus the slaughter of Christian people might be avoided. Or again, should neither of these [proposals] be agreeable to the aforesaid Philip, then, after receiving the aforesaid letters of the King of England and France, let him appoint a certain day for battle between power and power before the city of Tournay to which he [Edward] had laid siege; so that God who removeth kingdoms and establisheth them should

¹Confirmed by an entry in the Close Rolls, but the date was 24th June (*Fædera*).

make justice manifest through whichever of the three plans might be chosen, and bring the conflict to an end.

When Philip received this letter and understood the alternatives, he would not reply to King Edward about his proposals because the letter had not been addressed to him as King of France; but he wrote back to the King of England and France to effect that whereas he had unreasonably and injuriously invaded the realm of France and had rebelled against him to whom he had done homage, he [Philip] proposed to expel him from his kingdom for the honour of the realm and welfare of the people.¹

Meanwhile, during these transactions, seeing that the aforesaid Philip dared not encounter the King of England and France in any manner, and that the funds required by the King of England for maintaining the siege were far short of what was necessary, a truce between him and the aforesaid Philip was agreed to through the mediation of the cardinals; whereupon the king suddenly came to England and [imprisoned] the warden of the Tower of London, to wit, Sir Nicholas de Beche (who was also guardian of the king's son), Sir John de Pulteney, William del Pole, and several other knights and justiciaries, as well as some clerks of the Treasury.² A serious dispute had arisen between him [King Edward] and John de Stratford, Archbishop of Canterbury; all of which was caused by their not having supported him with proper funds when he was going to war, but frustrated his just right and purpose.

While these things were going on, David de Brus, returning from France to Scotland, and collecting an army, wasted Northumberland with sword and fire as far as the river Tyne, returning home without any opposition. After this he³ marched to Scotland and kept Christmas at the Abbey of Melrose in Scotland, where he was exposed to much danger by cunning assaults of the Scots, losing several of his men, and he retreated to England without [performing] any notable exploit.

MS.
fo. 239 Preceded by certain nobles, the King of England invaded Brittany, where he took several castles and fortresses by storm, closely besieging the city of Vannes, which he would have taken within a few days, had not a truce for three years and more been

¹ Edward's challenge and Philip's refusal are printed in *Fædera*.

² Sir Nicholas de la Beche must have cleared himself, for he was appointed Seneschal of Gascony, 20th July, 1343 (*Fædera*).

³ King Edward.

struck at the earnest mediation of my lord the Supreme Pontiff and by the intervention of the two cardinals, which truce proved to be rather a betrayal than a settlement.

[Here follow the terms of truce at great length. They are not in Fædera.]

In the same year the King of England incurred many dangers in returning from Brittany to England, especially from flashes of lightning and unprecedented storms, whereby nearly all his ships were scattered from him and several were sunk in the sea. Howbeit it is said that not one of the sailors or soldiers was so cheerful amid these storms and dangers as himself, who ever remained fearless and unperturbed through them all; whence he was delivered by God's grace and the Blessed Virgin's intercession (whom he always had invoked and chosen as his peculiar patron in all dangers), and so was happily carried to that part of the kingdom of England which he desired.

The truce in Brittany having been concluded, several nobles of England assembled at Carlisle under my lord Bohun¹ Earl of Northampton, in order to fortify Lochmaben; but they went no further, as the Scots gave leave that the afore-A.D. 1344. said castle should be peacefully fortified.

In the same year the King of England held a round table of three hundred knights and as many ladies at Windsor, for which immense expense was incurred as befitting the royal dignity.

The King of England on the eve of the kalends of July² went to sea at Sandwich with a large army for the protection of his people, and kept at sea with the aforesaid army until the ninth of the kalends of August,³ and then returned A.D. 1345. to the kingdom of England at Sandwich, without performing any notable exploit.

In the same year, while [the king] was at sea, the Flemings, who were then believed to be faithful to the King of England, attacked []⁴ at Ghent and cruelly put him [?] to death.

In the same year the Scots with a large force invaded England by way of Carlisle on the eighth of the kalends of November,⁵ and also burnt Gillesland and Penrith in Cumberland, with the adjoining villages; but as they suffered from hunger, they returned without any gain to themselves or much loss to us.

Afterwards, on the eighteenth of the kalends of January,⁶ certain nobles invaded Scotland in revenge for the deeds they had

¹ *Woven* in MS.

² 30th June.

³ 24th July.

⁴ Blank in original.

⁵ 25th Oct.

⁶ 15th Dec.

endured, and, having burnt Dumfries with many adjacent villages, returned to England without much gain or loss on their part on the fifteenth of the kalends of the same month.¹

In the month of July, David King of Scots entered England under the banner of the Earl of Moray, harrying Cumberland, the hills of Derwent and the moor of Aldstone,² with slaughter and fire, and returning to Scotland with great droves of cattle without [sustaining] any loss to his army.

In the same month of that year Edward, renowned and illustrious King of England, sailed from Portsmouth with fifteen hundred ships and a great force of soldiers upon an expedition against the King of France to vindicate the inheritance which was his, due to himself ancestrally and through his maternal uncle. On the twelfth of the same month he landed at la Hougue in Normandy, whence he marched to Caen, sacking the city to the bare walls thereof, killing and capturing many knights and an immense number of soldiers.

‘Edward, by the grace of God King of England and France and Lord of Ireland, to the honourable Father in God William, by the same grace Bishop of York, Primate of England,—Greeting.

‘Forasmuch as we know well that you would wish good news from us, we make known to you that we arrived at la Hougue near Barfleur on the 12th July last, with all our people safe and sound, praise be to God, and remained there while our troops and horses disembarked and our troops were being victualled, until the following Tuesday; on which day we marched with our army to Valognes, where we took the castle and the town; and then on our march we caused the bridge of *Oue*, which our enemy had destroyed, to be rebuilt, and we passed over it and took the castle and town of Carentan, whence we held the straight road to the town of Saint-Lô. We found Herbert bridge near that town broken down, in order to prevent our crossing, so we caused it to be repaired, and next day we took the town. Then we pressed forward to Caen without halting for a single day from the hour that we left la Hougue until we arrived there.

‘And so soon as we had gone into quarters at Caen, our people began to deliver assault upon the town, which was very strongly fortified and garrisoned with about 1600 soldiers, besides about 30,000 common people armed for its defence, who fought very well and boldly, so that the mellay was very hot and lasted a long time. But, praise be to God, the town was taken by storm in the end without loss to our people.

‘There were taken there the Comte d’Eu, Constable of France, the Chamberlain Tankerville (who on that day had been proclaimed a Marshal of France), of other bannerets and chevaliers about one hundred and forty, and a great crowd of esquires of the wealthy burghers. Also there perished

¹ 18th Dec.

² Not to be confused with Alston in Lancashire.

many noble chevaliers and gentlemen and a great number of the commonalty.

‘And our fleet, which kept in touch with us, has burnt and laid waste the whole seacoast from Barfleur as far as the Fosse de Colleville near Caen, and likewise has burnt the town of Cherbourg and the ships of la Havre, so that either by us or our people there have been burnt one hundred or more great ships and other vessels of the enemy.

‘Wherefore we beg that you will devoutly return thanks to God for the exploit which he has enabled us to perform, and continually beseech him that he will grant us further success; also [we desire] that you write to the prelates and clergy of your province that they act in like manner, and that you ratify these events to our people in your district, for their comfort, and that you apply yourself diligently to resist our enemies of Scotland by all the means in your power for the safety of our people in your parts, for which we rely confidently upon you.

‘Forasmuch as we have already obtained the assent of all our principal officers, who show themselves to be of excellent spirit and willingness we have firmly resolved to press forward with all our might against our adversary, wheresoever he may be from day to day, and our firm hope is in God that he will assure us good and honourable [results¹] of our enterprise, and that you will shortly receive good and agreeable news of us.

‘Given under our privy seal at Caen, the 30th day of July, in the twentieth year of our reign in England.’

Hereafter the province of Bayeux surrendered voluntarily, fearing lest it should suffer in the same manner, whence he [King Edward] pursued his march as far as Rouen, wasting all around with fire and sword. He took possession without any resistance of all the great villages through which he passed; he captured castles and fortifications, even the strongest, without difficulty and with very small attacking columns. At that time the enemy was in Rouen with a very strong armed force, and, notwithstanding his superiority in numbers, he caused the bridge over the Seine to be broken lest the King of England should reach him. And so it was all the way to Paris—on one side of the Seine the King of England plying fire and sword, and on the other side the King of France breaking down and fortifying all the bridges of the Seine, to prevent the King of England crossing over to him; nor would he dare anything for the defence of his people and realm, although he could have crossed the Seine, but fled towards Paris.

¹ Blank in original.

(To be continued.)

Reviews of Books

SCOTTISH PROSE OF THE SEVENTEENTH AND EIGHTEENTH CENTURIES.

Being a course of Lectures delivered in the University of Glasgow, 1912. By John Hepburn Millar, M.A., Professor of Constitutional Law and Constitutional History in the University of Edinburgh. Pp. vii, 273. With Four Portraits. Demy 8vo. Glasgow: James MacLehose & Sons. 1912. 10s. net.

MR. HEPBURN MILLAR has written a cheerful and delightful book, travelling freely over part of the ground which he surveyed before in his *Literary History*. All lecturers ought to thank him for the proof he has given here, that their trade is not essentially a dull one; while at the same time they may envy his skill, and do their best to find the secret of it. He has chosen his ingredients well, and his treatment of them is most dexterous.

Naturally in such a subject, beginning in the medieval seventeenth century and ending in the modern Athens, it is impossible to keep things altogether in the harmony of a period. It is a history of different generations; not an epic with a single plot, but a large portion of a long story—waled with judicious care, but not all of the same purport. Or so one is inclined to think, looking merely at the characters and incidents. But the single aim is there, all the time; the lectures are a demonstration of the change from the old-fashioned prose—English with a Scotch colour in it—to the fine English written by Scotsmen in the eighteenth century.

The lecturer might have said something about that remarkable Woodhouselee MS. of 1745 in which the Edinburgh citizen struggles with the difficulties of language; writing as pure English as he can, and dropping intentionally into the vernacular, just as Scott or Galt do, when he has to report conversation: 'The vilagers in tawnting way asked them, "What gars the Castle fyer?"' But in narrative, apart from a few good native words like 'gulravished,' there is not much more than the spelling to show the Northern: 'A popish Italian prince with the oddest crue Britain cowl'd produce came all with plaids, bagpips and bair buttocks, from the Prince to the baggage man: the consternation incressed,' etc. etc.

The change from Scots to English began among the poets; it is curiously illustrated by the poems of King James the VI. and I., lately published from a British Museum manuscript, where the older Scottish version of the king's poetry is doctored into a pretence of English.

And the revival of Scottish poetry in the eighteenth century made it all the more impossible for Scotsmen to write Scottish prose. Allan Ramsay

(‘the mungierall burluesque poet,’ as he is called by ‘Edinburgh Citizen’ in 1745) would have made an end of Scottish prose if it had not been given up long before. From his time the Scottish language was language only for intentional comic effects; the Scottish verse of Allan Ramsay, Fergusson, Burns, and so on to Stevenson, the shepherd of the Ochils, and the author of *Hamewith*, is not in the language that those authors naturally write. It is all a game; those minstrels are guisards; Beattie among them—condescending from the heights of Truth to follow ‘Standart Habbie’ in praise of *Helenore*.

But, indeed, the Scottish language had been given up long before ‘Habbie Simpson’ found a new ‘burluesque’ use for it, and the earliest writers quoted by Mr. Hepburn Millar are writers of English prose with more or less of Scottish idiom. The change which he observes and records is not from one dialect to another, but from one type of syntax and vocabulary to another, all in the English language. It is a change of ambition also. The earlier writers deal in memoirs chiefly, and the graces of their style came naturally without pressing: ‘Yet there he continued till he was relegate to Shetland, and there he lay many a year. I heard him say he was in one island four years, where he hade neither food nor fire, but to keep in a miserable life, his bread being only barley, his feuel sea-tangle.’ That is the way Kirkton tells a story, and those may better it that can. It is far from that to the ambitions of the eighteenth century; and to compare authors like Law, Kirkton or Wodrow with Hume and Adam Smith, weight for weight, would be highly unreasonable.

But the change in ambition is not limited to the greatest men. It is a good subject for literary conversation, and it cannot be treated more effectively than in this book.

W. P. KER.

ENACTMENTS IN PARLIAMENT SPECIALLY CONCERNING THE UNIVERSITIES OF OXFORD AND CAMBRIDGE, THE COLLEGES AND HALLS THEREIN, AND THE COLLEGES OF WINCHESTER, ETON, AND WESTMINSTER. Edited by Lionel Lancelot Shadwell, M.A., of New College, Oxford, Barrister at Law. In four volumes. Oxford: Clarendon Press. 1912.

THE title of these handsome volumes explains itself. The work is, in a sense, the second edition of a collection of statutes applicable to the Universities and to Winchester and Eton prepared by Dr. Griffiths, the keeper of the archives at Oxford, and published in 1869. But it is an edition greatly enlarged, for it embraces all Acts of Parliament, or portions of Acts, bearing on the subject, whether still in force or not. The reader is thus enabled to trace the history of these institutions, in so far as disclosed by the statute-book, from the sumptuary law of 37 Edw. III., with which the first volume opens, down to the Copyright Act of 1911 (1 & 2 Geo. V. cap. 46), with which the fourth volume closes.

Things great and small are to be found mingled in agreeable confusion, for the chronological order is very properly followed. Here, on the one hand, is the statute, 13 Eliz. cap. 29, which incorporates the Universities, and which is their Magna Carta. Here, too, is the very sensible statute,

33 Henry VIII. cap. 27, which enacts that all local rules made by founders, whereby the unanimous assent of the members of a corporation is required to any corporate act, shall be null, and that the common law rule, that the consent of a majority is sufficient, shall prevail. And here are the pertinent sections of that most salutary enactment, the Act of Uniformity (14 Car. II. cap. 4), about which there has recently been such an outpouring of ignorant sentiment in the newspaper press.

On the other hand, we have statutes to enable a married person to hold and enjoy the office of Warden of Wadham College (46 Geo. III. cap. cxcvii.); for more effectually repairing, improving, and keeping in repair the road 'leading from the guide-post in the village of Adderbury in the county of Oxford, through Kidlington, to the end of Mileway in the city of Oxford' (37 Geo. III. cap. clxx.); for improving the navigation of the Thames and of the river Cam or Cham *alias* Grant (*e.g.* 1 Anne, st. 2, cap. 11); and for putting matters right in the ancient borough of Cambridge, which is 'very sore decayed in paving,' and whose high streets and lanes are 'excedyngly noyed wyth fylth and myre lying therein, great heapes and brode plasshes not onely noysom and cumberouse to the inhabytauntes of the sayd boroughe and such other the Kynge's subjects as dayly dothe pass by and through the same on fote, but alalso very perillous and tedious to all suche persones as shall on horseback convey or carry anything with cartes by and throughe the same.' It would be difficult to enumerate all the points at which this anthology touches the constitutional, economic, and social history of the nation.

Such abundant wealth of material makes it difficult to make up one's mind on which side the treasure-house is best approached. But it would not be far wrong to assert that the predominant note of these statutes is the solicitude of the Legislature for the privileges and the wellbeing of the foundations concerned. Not without good reason did the Parliament which passed the Act of incorporation boast in the preamble of 'the greate zeal and care that the Lords and Commons have for the maaintenance of good and godly literature and the vertuouse education of youth within either of' the Universities. The jurisdiction of the Chancellor's Court was for centuries jealously safeguarded. It extended, as Blackstone tells us (bk. iii. c. 6, p. 84), to all matters, 'excepting in such cases where the right of freehold is concerned'; and it was in that Court that the civil law had its home. The necessity for academic discipline was early recognised, and likewise the necessity for taking order that evil-doers should not avail themselves of residence within the precincts of the University as a cloak for their misdeeds.

Early in the fifteenth century, it seems, sundry scholars and clerks of Oxford, armed and arrayed as if for war, had not only disseised persons of their lands and tenements in Oxfordshire and the adjacent counties, but 'auxint ont chacez ove chiens et liverers en diverses gareines parks et forests en mesmes les counties sibien par jour come par noet et pris desmes et dames levers et conyns, menaceantz outre ceo les gardeins dicelles de lour vies.' The Act of 9 Henry V. consequently enacts 'que due proces vers tielx escolers maffesours pur lour offenses soit fait comme la commune leie

et auxi les estatutz de la terre requirrent solonc le cas.' If they are outlawed for failing to appear, they are to be certified by the justices to the Chancellor, who is to banish them out of the University.

It also appears from a statute of the following year (1 Hen. VI.) that murders, rapes, felonies, riots, conventicles, and misdeeds had been committed by Irishmen 'reparantz a le ville de Oxenford et illoeqes demurantz desoutz la jurisdiction del Universite Doxenford.' Ireland for the Irish, or, at all events, England for the English, was a sound maxim of Lancastrian policy, and all Irishmen are bidden to depart out of the realm within a month after proclamation made of this ordinance, certain classes excepted, including graduates in the schools, beneficed clergy, etc.

In the nineteenth century, when railways were spreading over the country, the authorities became alarmed at the facilities which they would afford to members of the University *in statu pupillari* for participating in the delights of the metropolis, such, no doubt, as reading in the British Museum. Accordingly, when the Great Western Railway came to Oxford, its Act (6 & 7 Vict. cap. x.) provided to the Vice-Chancellor and proctors and heads of colleges and halls free access to every depôt or station for the reception of passengers, 'at or about the times of trains of carriages upon the said railway starting or arriving.' The company's officers or servants are to supply information when desired, and the company are bound not to convey such passengers as they may be requested by the University officials not to convey, and not to pick up passengers except at 'regularly appointed stations of the line.' Similar provisions will be found in the Act for enabling the Eastern Counties Railway Company to make a railway from the Northern and Eastern Railway at Newport by Cambridge to Ely. When were they last effectively enforced?

The following instances of exemption from the operation of general legislative enactments will illustrate the favour with which the Universities and the kindred foundations of Winchester and Eton were regarded. They were systematically exempted from fifteenths and tenths and from subsidies. They were exempted from the payment of first-fruits and tenths (26 Henry VIII. cap. 42). They were exempted from the Acts of resumption passed on the coming of age of Henry VI. They were relieved, together with all lands within a radius of five miles, of the burden of purveyance. They were exempted from the 'Land Tax' of 1692, and from the 'Land Tax' during the following century. They were exempted from the obligation to sell beer in stamped and marked vessels only (12 & 13 W. III. cap. 11). They were exempted from the excise if they brewed their own beer within their own precincts (15 Car. II. cap. 11).

The Act which establishes the Post Office with a royal monopoly contains a proviso that 'all letters and other things may be sent or conveyed to or from the two Universities in manner as heretofore hath been used, anything herein to the contrary notwithstanding' (12 Car. II. cap. 35). An Act for repressing 'the odious and loathsome synne of druncennes' provides that it 'shall not be prejudicall to either of the two Universities of this lande' (4 Jac. I. cap. 5); but it would be a mistake to interpret this as an encouragement to academic conviviality. It was the Chancellor's

power to grant licenses which the Legislature had in view. The property qualification imposed upon members of Parliament by 9 Anne, cap. 5, is not to apply to the Universities. They are to be allowed a drawback of the paper duty on books printed at their respective presses in the Latin, Greek, Oriental, or Northern languages (10 Anne, cap. 18). Tobacco may be planted in their phisicke gardens, but nowhere else (12 Car. II. cap. 34). Finally, fellows and scholars of colleges and halls who are prohibited by their statutes from marrying are exempted from the duty of one shilling yearly imposed upon bachelors by 6 & 7 W. & M. cap. 6. That statute is worth the attention of fiscal reformers of all shades of thought. It imposes a tax on burials, births, and marriages, and a tax on bachelors and childless widowers, the rate of duty being higher in the case of ecclesiastical dignitaries and doctors of divinity, law, or physic. Inasmuch as it necessarily strikes at everybody, such an imposition appears to have the merit of simplicity. But, as simplicity is the last thing which the modern taxmaster is apparently disposed to study, it is not likely to reappear in any future budget.

Mr. Shadwell is to be sincerely congratulated upon his performance of an arduous and protracted task. Great pains have been taken with the text, and the annotation, though sparing, is sufficient. There are three or four excellent appendices dealing *inter alia* with a number of estate Acts, and containing the ordinances of the Long Parliament and the Acts of Parliament of the Commonwealth and Protectorate. There is a most valuable note in Appendix IV. on Subsidy and Land Tax Acts, which does a great deal to elucidate an abstruse and complicated topic. Much interesting and recondite information is also yielded by the preface as to the classification of Acts of Parliament. The volumes are admirably arranged and printed. We have noted only one trifling slip, if slip it be. In dealing with the force and effect of the marginal notes to statutes, Willes, J. is reported to have said that these are merely 'temporanea expositio,' not 'contemporanea expositio,' as Mr. Shadwell has it (*Claydon v. Green*, L.R. 3 C.P. 521).

In conclusion, the reviewer would express his fervent hope that Mr. Shadwell's labours may prove to be 'final' for many years to come, and that no measures for the so-called 'reform' of the Universities or public schools will be passed into law in response to ignorant and interested clamour.

J. H. MILLAR.

PROBLEMS OF THE ROMAN CRIMINAL LAW. By James Leigh Strachan-Davidson, Master of Balliol College, Oxford, and Jowett Fellow. In two volumes. 8vo. Pp. xxi, 532. Oxford: at the Clarendon Press. 1912. 18s. net.

THE Master of Balliol's learned volumes will be welcomed by scholars as filling a gap in our juristic literature. As he himself deplures, the great results of the labour which Mommsen embodied in his *Römisches Strafrecht* have been strangely neglected, except by two or three Continental writers, notably Girard. Mr. Strachan-Davidson wrote an appreciation of it ten years ago in the *English Historical Review*, and the present two volumes have grown out of that article. He would have us regard them as a supple-

ment to the *Strafrecht*, but that desire must be attributed to his own modesty: for although he is content to follow Mommsen in the main, justly holding that his views are entitled to veneration, the conclusions reached in these pages are the result of independent inquiry, based on a wide knowledge of authorities ancient and modern, and not always coincident with those of his leader.

The book deals principally with Criminal Procedure. Substantive law is referred to rarely, and only as a necessary incident to the elucidation of some Procedure question. Moreover, except for two chapters out of twenty, the author is concerned entirely with the Republic. This is natural for two reasons: first, that our authorities in the matter of Criminal Procedure are more copious and more conflicting for the Republic than for the Empire; and second, that the author's unrivalled knowledge of Cicero turns his thoughts inevitably to the last century before Christ. His aim is not to present a systematic history, but to attack certain difficult problems, reviewing the doctrines already put forward by Mommsen, Girard, Greenidge, Huschke, Zumpt, Maine, and others, reconsidering them in the light of the original authorities, and either homologating one of them or offering a fresh theory of his own. He does not lightly discard those of the three first-named writers, but where he differs from them his own view is always valuable and usually convincing.

After discussing Religion, the Family, and Self-help in their relation to the punishment of crime, the author devotes three chapters to certain matters of civil law, somewhat loosely connected with the rest of the work. The remainder of the first volume deals with the jurisdiction of the magistrate, appeals to the people, the origin of the jury system, the *Lex Acilia*, and procedure in capital trials before the *Comitia*. The topics in the second volume are the constitution and procedure of the *Quaestiones Perpetuae* for extortion and on capital charges, the controversy as to the *Album Judicum*, the nature of *interdictio* under the laws of Sulla, and Criminal Courts and Appeals under the Principate.

It is impossible to discuss in a review all the thorny problems which arise in connection with these subjects. The most that can be done is to refer to one or two. We are indebted to the Master of Balliol for his lucid treatment of the difficulties presented by the frequency of death sentences and the rarity of actual executions. The Romans, he points out, unlike the Greeks, never struck directly at an offender: a criminal sentence was not a legislative act, but always the pronouncement of an individual magistrate. Thus its evasion was not regarded as a derogation from the dignity of the sovereign people, but on the contrary was freely allowed. Provided the accused had not been arrested—and as a rule he was not—he was free to escape death by voluntary exile and the acquisition of a new citizenship: with the result that, while in theory the Roman Criminal Law was severe, in practice it was the mildest known to civilisation. But exile, it is contended, was never recognised as a punishment during the Republic: it was only the practical effect of a death sentence. The same idea furnishes a solution of the disproportion between the prescribed money penalty for extortion and the resulting exile of the convicted governor.

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The author suggests that the exile was voluntary, to avoid a future trial for *perduellio* on the proved facts.

Occasionally, as I have said, Mr. Strachan-Davidson finds himself constrained to differ from Mommsen. The latter held that *interdictio* under Sulla's laws was the same as *relegatio*, and that between Sulla and Tiberius the *exul* did not lose citizenship. This view was supported on evidence which on analysis is found unreliable, and it is faced with many difficulties. In particular the words '*de eius capite quaerito*' in Sulla's law have to be explained away, and the taunt hurled at Cicero by Clodius after the former's return from exile—'*cuius civitatis es?*'—loses its meaning. The difficulty is resolved by holding that *interdictio* was a death sentence, but evaded by exile; a solution which has the advantage of allowing a continuous history of *exilium* down to the time of Tiberius. As to the extent of the use of *recuperatores* and their importance in the development of trial by jury, the author thinks Mommsen's conclusion too wide. On the difficult questions arising out of instances where the magistrate inflicted the death penalty on a citizen within the walls, he agrees more with the earlier doctrine of the *Staatsrecht* than with that of the *Strafrecht*: while on the qualification of the *Tribuni Aerarii* he strikes a mean between Mommsen's earlier and later views, concluding that they must have had more than a mere property qualification, and were in fact connected with the obsolete military paymasters.

On some points one might be inclined to join issue with Mr. Strachan-Davidson, but his reasoning nearly always carries conviction, backed as it is by an intimate first-hand knowledge of the period: and readers of his *Life of Cicero* need not be informed that it is enhanced by a lucid and graceful style.

WM. DUNBAR.

THE TOBERMORY ARGOSY, A PROBLEM OF THE SPANISH ARMADA. By R. P. Hardie. Pp. vi, 68. 8vo. Oliver & Boyd. 1912. 1s. net.

It is difficult to believe that this particular problem of the Armada can survive Mr. Hardie's exhaustive and well-reasoned solution. By a process of elimination, as well as by positive argument on two or three distinct lines he endorses the view recently put forward by the late Mr. Lang.¹ His investigation, however, is independent; it is more penetrating, and covers the ground more thoroughly. New evidence is adduced, and some of Mr. Lang's technical errors are corrected—notably, for instance, the error of calling the ship a galleon. Still, on the main points, the conclusion is the same. The Tobermory Argosy is definitely identified as the 'Ragusan' *nao* named *Santa Maria de Garcia y San Juan Bautista* of the Levantine squadron.

Mr. Hardie shows conclusively that when Marolin de Juan, the Pilot Major, said that the ship in question was the Ragusan *San Juan Bautista*, he must have meant this ship and not the Ragusan of the same name in the Andalusian squadron, as was suggested by the present writer in a previous

¹ 'The Mystery of the Tobermory Galleon revealed,' *Blackwood's Magazine*, xcxi. 422.

number of this *Review* (*S.H.R.* viii. 400). In that article the difficulties of the identification were pointed out, and an effort was made to remove them. Mr. Hardie shows on indisputable evidence that they are irremovable, and that in spite of its plausibility the suggestion must be abandoned as untenable.

Both investigators deserve the thanks of scholars who resent the profanation of history in the interests of company promotion, whatever its object. In expressing our gratitude it is hoped it will not seem ungracious to sound a warning that a new myth may possibly spring up out of the ruins of the old one. Both gentlemen assume that the ship was destroyed by Walsyngham's orders, and by one of his secret service agents. The evidence on which this assumption is founded appears to consist of two letters: one is from Roger Aston to his brother, sent from Edinburgh, Nov. 18, 1588, in which he says the ship was blown up by the device of John Smollet, 'a man that has grett trust among the Spagniardes.' The other is from W. Asheby to Walsyngham, in which he speaks of the hero of the exploit as 'the man known to your honour and called Smollet.' Surely it is a long step from these two statements to assert that Smollet was the English Secretary's agent.

As it happens we know fairly well what was the nature of Walsyngham's acquaintance with this Smollet. The man had been a servant of Esmé Stuart, Earl of Lennox,¹ and when the Earl was in Paris and about to enter his unfathomable intrigue with Elizabeth, Smollet came to the English ambassador and offered to secure the Earl to the English cause if it were made worth his while, and a few days later the man brought a distinct offer from his master.²

In the midst of this intrigue, on May 26, 1583, Lennox died. Three days later Walsyngham's spy Foulter, who was engaged in trying to gauge the Earl's sincerity, reported that Smollet had departed.³ On June 10 some one writes to Bowes to tell him of a plot intended by the Master of Glamys against Angus, Mar, Gowry and others, which Smollet has communicated. A month later apparently he was in Scotland; for on July 10 Walsyngham gives Bowes the Queen's orders to contradict certain false reports which Smollet and others have been spreading concerning her Majesty's indifference to certain well affected Scottish lords.⁴

This scarcely looks as if Smollet were at that time an agent of the English Secretary, nor does the next notice we have of the man connect him any more closely with the English secret service. On July 28, 1586, when the Babington plot had been revealed Walsyngham wrote to Randolph that Elizabeth wished the Master of Gray to stay in Scotland instead of going abroad, and endeavour, in concert with Archibald Douglas, to find out the practices of Lord Claude Hamilton and his party.⁵ He was already active in seeking to trace the ramifications of the great plot in Scotland, for

¹ Anon. to Bowes, 10 June, 1583, *S.P. Cal. Scotland*.

² Cobham to Walsyngham, 11 and 21 March, 1583; *S.P. France*, cited by Froude, *Hist. of England*, xi. 304.

³ Wm. Foulter to Walsyngham, May 29, *S.P. Cal. Scotland*.

⁴ *Ibid.*

⁵ *Ibid.*

on August 1 he wrote to Archibald Douglas, who was then in London, to report progress and ask for instructions. He had been seeing the Laird of Fentry, who seemed to know a great deal more than he cared to say. 'I was diligent,' he writes, 'to have learned the matter, but I could not, of him. But I think it shall not be unmeet I enter in a dealing with him to try, as I did with Smollet. But this I commit in what fashion and how far to Mr. Secretary's advice and yours.'¹

Here is at least presumptive evidence that the Master of Gray to Walsyngham's knowledge had been treating with Smollet as an agent of Mary Stuart's party. It further affords an explanation of why it was that in 1588 the Spaniards trusted him, for he must have known enough to be able to convince them he was in the confidence of the party from whom they expected assistance.

Seeing how dark and tortuous were the ways of secret service in Elizabethan times, it would be going too far to assert that these glimpses of Smollet show that he was not an agent of Walsyngham in 1588. But they are enough to bar us from assuming that he was, from the mere fact that Walsyngham knew of his existence. If he really blew up the ship—and we have only his own word for it, apparently—it is quite as likely as not it was on his own initiative. His object may well have been that he saw the time had come to change sides, and that he regarded the atrocious act of treachery, of which he claimed the credit, as the best possible credential for employment in the English Secretary's service. Whether he obtained his desire is uncertain. In 1592 he was under sentence of death, apparently in connection with Bothwell's attack on Holyrood, but was reprieved, possibly at Bowes' intercession.² He at least continued to be in touch with Bowes, for at the end of the year Bowes wrote to Burghley, who was 'wanting' the Bishops of Ross and Dunblane, to say that Smollet had given information about them, and was prepared to effect the arrest of both for £1000. After that he seems to disappear for good.

It is possible that further research might reveal other tracks of this shameless intriguer so typical of his time. Conceivably they might actually be traced from Walsyngham's office to Tobermory Bay, but until this is done more clearly it would be well to rest content with the clever identification of the wreck, and to leave Walsyngham out of the story. The evidence as it stands is not sufficient to accuse the Secretary of State of concealing Smollet's information from his colleagues in the Government. The accusation rests solely on the new fact which Mr. Hardie's keen scent has discovered that cruisers on the Irish station were sent to Tobermory long after the information about Smollet had reached the Secretary, in order to find out whether the ship was still there. But this was only a natural precaution, for seeing what was known of Smollet's character and career nobody could believe a word he said without corroboration. The natural deduction from the naval orders is that Walsyngham did not credit Smollet's story, and possibly we should do well to imitate his attitude of reserve.

JULIAN S. CORBETT.

¹ *Hist. MSS. Com.*; *Hatfield MSS.* iii. 157.

² Roger Aston to Bowes, 24 Feb., 1592, *S.P. Cal. Scotland.*

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THE EARLY ENGLISH DISSENTERS IN THE LIGHT OF RECENT RESEARCH, 1550-1641. By Champlin Burrage, M.A., B.Litt. In two volumes, illustrated. Vol. I. History and Criticism, xx, 379. Vol. II. Illustrative Documents, xvi, 353. Demy 8vo. Cambridge University Press. 1912. 20s. net.

THIS work furnishes a fine example of careful historical research. The field is one which the author has assiduously cultivated; and, by going direct to original authorities, he has been able not only to verify details and correct misapprehensions, but also, in not a few instances, to bring to light new facts bearing on important phases of history. Mr. Burrage's impartiality and detachment are highly to be commended. Whereas historians of the Church of England have been inclined to pass too lightly over the earlier and obscure manifestations of dissent, and Nonconformist writers have been prone to read the results of later development into incipient stages of the process, he takes infinite pains to trace movements to their source, and presents the facts and weighs the evidence in so judicious a temper that the ordinary reader of the book will have difficulty in divining the author's personal ecclesiastical standing. This scrupulous investigation into details and disentangling of intricate complications, admirable as they are in a work of scientific research, may detract somewhat from the interest of the book in the estimation of the general reader, the more so that the author takes for granted on the part of his readers an acquaintance with the more outstanding facts, and is content with brief references in cases where other writers have, in his estimation, given a sufficient statement of the facts.

In a useful 'Foreword' the reader is reminded that certain words employed at the present day to denote separatists from the Church of England were not originally so applied. The earliest Nonconformists were often learned clergymen of the Church of England who objected to such things as vestments; and the name Puritan, which first appears about 1566, denoted Nonconformists of that type. The name Dissenter, which seems to have first come into use in 1641, was similarly understood. So the designations of Independent and Congregationalist were first given to those non-separatist Puritans who maintained that each congregation had the right of self-government, without interference from bishops or synods. On the other hand, the names Anabaptist (later Baptist), Brownist and Barrowist, have always been properly applied to separatists.

It is not always easy, amidst the contentings of parties and the formation of congregations, to draw the line between separatists and non-separatists, and opinions of authorities differ at some points; but Mr. Burrage makes it clear that, towards the close of the period covered by the book, even the New England Puritan Congregationalists looked upon themselves as true congregations of the Church of England.

Praise is due to the author, not only for the presentation of original documents in their original spelling, but also for his indication of the libraries or collections in which the documents are to be found. The second volume is entirely devoted to these, and contains some that are published for the first time. The reproductions in fac-simile which illustrate both volumes add to the interest of the book. The serious student of church

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history, to whom such a work specially appeals, will find it indispensable for research, and even the 'general reader' will receive much light upon the influences that brought about the perplexing ecclesiastical complications that bulk so largely at the present day. Although Scotland scarcely comes into the field of observation in the period covered by the two volumes, one can see already the trend of movements which, in the continuation which the author promises, will become very pronounced in the times of the Commonwealth.

JAMES ROBERTSON.

A HISTORY OF THE BRITISH ARMY. By the Hon. J. W. Fortescue. Vol. VII. 1809-1810, and Volume containing eighteen Maps and Plans. Pp. xxii, 661. Med. 8vo. London: Macmillan & Co. 1912. £1 1s. net for the two volumes.

THE last instalment of Mr. Fortescue's great work¹ brought the story of our Army and its campaigns down to Moore's retreat to and death at Corunna, a moment at which it may well have looked as though the British intervention in the Peninsula was to be no more effective than any of our previous efforts to face Napoleon on the Continent. The present volume, which has appeared with really remarkable promptitude, carries the story over another stage, and leaves the advance which Masséna and his master had fondly hoped would end in the final expulsion of the British from the Peninsula brought to a complete standstill outside the lines of Torres Vedras. The story of Wellington's return to Portugal, of his passage of the Duoro and expulsion of Soult from Northern Portugal, of his advance to Talavera and his costly victory there, of the collapse of his offensive schemes through the failure of the Spaniards to co-operate, of his retreat to Badajóz, his preparations for the defence of Portugal and his defensive campaign of 1810, with Craufurd's splendid work at the outposts and the rude check to Masséna's advance administered at Bussaco, the retreat to the Lines and Masséna's discomfiture on arriving before them, affords Mr. Fortescue a splendid opportunity for his powers of narrative and elucidation.

It is almost inevitable that one should compare his account with that given by Professor Oman, the second and third volumes of whose *Peninsular War* cover exactly the same ground. In the main Mr. Fortescue gives very much the same account and comes to much the same conclusions; he does not differ from Professor Oman as the latter differs from Napier, and one may perhaps feel that the general agreement of the two leading British military historians permits us to believe that there is not much more to be added to the story of the campaigns of 1809-1810. On many points Mr. Fortescue differs from Professor Oman. He corrects, for example, the latter's account of Talavera in several particulars (cf. pp. 230 ff.), showing, for example, that it was the 2/31st who saved Mackenzie's division at Casa de Salinas on July 27th (p. 227); he is much more unfavourable to Robert Craufurd (cf. pp. 474, 484, and 540), whom he regards as generally losing his head in action: his account of Bussaco disagrees as to some of the details of the rather complicated movements of Picton and Leith (pp.

¹ Cf. *S.H.R.* vol. ix. pp. 84-88.

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515 ff.); and he does not give quite the same version of Lord Blayney's fiasco at Fuengirola (pp. 398-402). Again, he is even more favourable to the Ministry at home, whom he defends with great vigour and much success against the misrepresentation of Napier and other political opponents (cf. pp. 434 ff. and 559 ff.). Indeed, he is a little inclined to find Wellington's attitude to them a trifle unreasonable (p. 560): Liverpool had made up his mind to continue the struggle in the Peninsula, but he preferred 'a steady and continual exertion upon a moderate scale' to 'a great and extraordinary effort for a limited time,' since neither the financial nor the military resources of Great Britain would be able to support the latter permanently. Mr. Fortescue very rightly lays great stress on the financial problem. The extreme difficulty of providing specie was the main obstacle to a considerable increase in the force under Wellington (pp. 289 and 435-437), though of course all through 1810 the fevers which were the legacy of Walcheren made a very large proportion of our troops unavailable for active service. And Mr. Fortescue seems to regard the comparatively modest scale of our operations as not without its advantages: had Wellington fallen on Masséna in November, 1810, and crushed him, as he might well have done, the success might, apart from its inevitable cost, have proved double-edged if it had led to Soult's raising the siege of Cadiz and transferring his army to Portugal. By attempting to invade Portugal and conquer Andalusia at one and the same time the French were committed to an undertaking really beyond their strength, large as their armies were, and Wellington's best chance of success lay in 'encouraging his enemy to persist in his mistakes' (p. 547), not on exposing them and so causing the enemy to correct them. At the same time, seeing what the relations of Soult and Masséna were, one may feel a little sceptical whether the defeat of Masséna would have caused Soult to abandon Andalusia.

It may be rather a surprise to some people to find that where Mr. Fortescue does find occasion to criticise Wellington it is for the very opposite fault to that which the ill-informed 'received version' of the text-books usually credits him. Mr. Fortescue regards the move up the Tagus which led to the battle of Talavera as decidedly rash and over-confident, and quotes a really remarkable letter from Sir William Gomm, which speaks of Wellesley as impetuous, and says that 'his ardent spirit has blinded him for the moment' (p. 286). The move to Talavera certainly placed the British army in a most dangerous situation when Soult's descent on Plasencia cut Wellington's communications with Lisbon via Abrantes (cf. p. 269), and it must be admitted that in planning his movements Wellington had based them on a belief in the ability of the Spaniards to carry out their promises, which neither Venegas nor Cuesta did anything to justify. Wellington learnt his lesson, and for the rest of the war he never exposed himself to the dangers of depending on Spanish co-operation, but it is hard to blame him for having made the experiment in this instance. He could not have remained inactive, and until he had had personal experience of Spanish co-operation it would have been hardly fair to condemn his allies in advance, merely on Moore's experience. Moreover, he was well aware of the danger of losing communication with Abrantes, and always had the alternative line of

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Badajoz and Elvas on which to fall back. And, as Mr. Fortescue points out, the delay of Soult on reaching Plasencia, which caused the failure of the French effort to intercept the British, was due to the campaign on the Duoro, which had left Soult's corps incapable of moving till re-equipped with artillery from Madrid (p. 288), while if a miracle came in anywhere it was in the events which had brought Ney to Astorga at the beginning of July instead of committing his whole corps to the subjugation of Galicia.

On 1810 Mr. Fortescue is equally interesting : he suggests that Bussaco was not merely fought for moral and political purposes, but that Wellington had some hopes of really stopping Masséna there, and might have done so had not the Portuguese general Bacellar prevented Trant's militia from blocking a defile on the road by which the French turned the Bussaco position (p. 535). One may draw attention to the excellent work done by the British cavalry in covering the retreat from Bussaco to the Lines, work which should not be overlooked when the British cavalry in the Peninsula are being criticised. One may also mention a most interesting account of Wellington's staff and subordinates and his whole system of command (pp. 411-421), which brings one to what is perhaps the chief criticism one has to make on the volume. For a work which is a *History of the British Army* and not a *History of the Campaigns of the British Army* one hardly gets as much about the organisation, composition, and administration of the army in proportion to the campaigns as one would like to have. Once again one finds one's self a little inclined to feel that the narrative of the operations in which the British were not engaged—a narrative which is certainly very well and clearly told—might have been even further reduced, and the space devoted to more about the British army in the Peninsula as an army. Mr. Fortescue does not give a detailed casualty list by units for either Talavera or Bussaco ; he gives the organisation of the divisions for June, 1809, but never again. He even speaks of the Sixth Division (p. 542) without explaining how and when it had come into existence ; and though he does give one a good many details as to the arrival of reinforcements and so forth, one feels that it is in just the things which a *History of the Army* should give, though one might expect them not to be given in a narrative of the Peninsular War, that one is a little disappointed.

But the Peninsular War is by no means the only theme of this volume. Of its 600 odd pages quite one-third are devoted to operations elsewhere, a proportion which may surprise a good many of Mr. Fortescue's readers, for the number of people who have heard of Auchmuty's brilliant conquest of Java and Gillespie's wonderful feats at Weltevreden and Cornelis, or of Oswald's dashing capture of Sta. Maura in the Ionian Islands (March, 1810), is small indeed. But Mr. Fortescue takes one all over the globe : to the West Indies for Beckwith's reduction of Martinique (1809) and Guadeloupe (1810), no mean achievements either of them, to the Scheldt for the ill-fated Walcheren venture, to Sicily for Stuart's futile expedition to the Bay of Naples (June-July, 1809), to the Indian Ocean for the capture of Rodriguez, Bourbon and Mauritius, to India itself for the story of the mutiny in the Madras Army, caused mainly by the criminal folly and obstinacy of

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Sir George Barlow and aggravated by Lord Minto's pedantry and tactlessness, finally to the Eastern Archipelago for the expedition to Java (1811). Indeed, by no means the least valuable or interesting portions of Mr. Fortescue's work are those in which he departs from the beaten track to rescue from an undeserved oblivion well-managed operations like those of Beckwith, Abercromby (at Mauritius), and Auchmuty, or unflinchingly sets forth the story of some failure like that at Walcheren. This story is very well and fully told, and this is all the more satisfactory because hitherto there has been no adequate account of the expedition readily accessible. It is usual to speak of the Walcheren expedition as though it could never have succeeded and would have been useless even if successful, as unsound in conception as well as indifferently executed, and to lay the blame at the doors of the Secretary of State for War, Castlereagh. But though Castlereagh cannot escape criticism for having sent off the expedition with rather inadequate information as to the possibility of the task before it, a fact which the shrewd old King was not slow to point out (p. 59), there was a good deal to be said in its favour. Mr. Fortescue shows that a blow at Antwerp was much to be preferred to another expedition to the Weser, which must have depended, as that on 1805 had done, on the fickle and unstable Frederick William III. of Prussia, and would therefore have been foredoomed to failure (cf. pp. 48-51). The destruction of the French fleet in the Scheldt would have been a useful achievement in itself, as well as a blow to Napoleon's prestige and an appreciable diversion in favour of Austria. The choice of the leaders was perhaps unfortunate, for though Chatham was a man of real capacity (p. 55), his chief defects, indolence and lack of driving power and energy, were just those which were most likely to be fatal to an enterprise which above all things required rapidity in execution. Strachan, a competent officer enough for an ordinary task, was not equal to a situation which needed a really exceptional man (p. 59). When one comes to read the story in detail one is inclined to agree with Mr. Fortescue that the undertaking was one which needed a good deal of luck if it was to be successful, and had just the opposite. The delays, due originally to the fact that the regiments which had taken part in Moore's retreat needed rest and refitting and were not ready for service when the descent was first contemplated, meant that when the expedition sailed the season was too far advanced, and autumn gales and rains increased the difficulties and contributed in large measure to the sickness which was really the feature which has made the expedition rank as a disaster. Four thousand deaths were due to it, and it left the army crippled for other work for over a year. This sickness, Mr. Fortescue thinks, was more than one could have expected (p. 92), a misfortune for which no one can be held responsible. The actual capture of Flushing was quite a well-managed piece of work, but it was wasted because of the failure to seize the island of Kadzand at the very outset; and once reinforcements had secured Kadzand to the French the fleet could not get up the Scheldt till Flushing fell, and this meant so long a delay before Antwerp could be attacked that success was out of the question. Chatham at least deserves credit for having seen that to persevere with the effort could only lead to disaster.

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It is pleasant to turn from the story of Walcheren to that of the really admirably conducted operation with which the volume ends, the expedition to Java in 1811, no easy one to organise and carry through (p. 629). Auchmuty, who commanded it, showed real strategical and tactical skill, and the capture of the island was a far more useful measure than many much better known enterprises. The fact that Java was restored to Holland at the Peace of Vienna probably accounts in part for the general ignorance as to its capture, but it is an example of 'amphibious war' which is well worth study. And one may point out that here and at Mauritius, Martinique, and all the other bases from which French privateers preyed on British commerce, capture was a task quite beyond the power of the Navy when unaided; 'command of the sea' did not automatically involve the destruction of the enemy's powers for harm; in short, the Navy could not afford to British commerce the protection needed without the Army's assistance.

One last word must be added in praise of the maps, which are very conveniently bound up in a separate volume; they are excellent and copious, and though the plan of the Coa does not assist the reader quite as much as Professor Oman's does, the fact that Mr. Fortescue's battle-plans are accurately contoured gives them a distinct advantage.

C. T. ATKINSON.

HISTORY OF THE OLD GREYFRIARS' CHURCH, EDINBURGH. By William Moir Bryce. With Chapter on the Subscribing of the National Covenant by D. Hay Fleming, LL.D. Pp. vii, 160. With Plan and Illustrations. 4to. Edinburgh and London: William Green & Sons. 1912. 7s. 6d. net.

OLD GREYFRIARS', Edinburgh, is a church of which the history extends back to pre-Reformation days. The original buildings upon the site formed the friary of the Observant branch of the Franciscan Order, who settled in Edinburgh in the middle of the fifteenth century. They came here under the leadership of Father Cornelius of Zierikzee from the Low Countries, and being both pious and popular rapidly made their influence felt in Scotland, where religion at the time was at a low ebb.

Mr. Bryce opens with a sketch of the history of the Franciscans in Scotland, dealing shortly with the Conventuals first. A list of six friaries belonging to this branch is given, namely, Roxburgh, Haddington, Dundee, Lanark, Dumfries, and Kirkcudbright. But why leave out Inverkeithing? It is mentioned in the list of houses of Greyfriars *non de observantia* appended to the *Book of Pluscarden*, and the chronicler of Lanercost had his eye on Inverkeithing under date 1282. Probably Mr. Bryce considers that it, being founded after the battle of Halidon Hill, was not an offshoot from Berwick, and thus omits it; but Kirkcudbright, which is in Mr. Bryce's list, is of later date still, and thus the omission without remark is misleading.

The later and stricter branch, the Observantines,¹ obtain sympathetic

¹ We prefer the more ordinary form of this word. Mr. Bryce uses 'as more euphonious' the much less common *Observatines*.

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treatment. It was in 1560, on the emigration of the majority of these friars following the Reformation, that the friary buildings and yard came into full possession of the city, and up till about 1612 part was used as a burying-ground. Here the Regent Morton and George Buchanan were interred in 1581 and 1582.

Mr. Bryce tells of the gradual disappearance of the old friary buildings. It was not until the beginning of the seventeenth century that the need for a new fabric to accommodate what was known as the south-west congregation became clamant.

During the Covenanting period and that of the Restoration the church building passed through many vicissitudes. Turned into a barrack-room by the Cromwellian troops in the autumn of 1650, it remained in their occupation for more than two years. Consequently it suffered severely along with other churches in Edinburgh, whose 'decorments wer all dung down to the ground by these Inglishche sodgeris, and burnt to ashes,' and for the next four or five years the stipends of the city ministers were greatly in arrear, and the struggle with poverty is in marked evidence.

In 1656 the building was divided into two—an easter and a wester church—and we learn that on a Sunday in the winter of 1659 the minister of the latter during a violent storm had, with his congregation, 'to seek safety in flight.' The outstanding minister during the period of the Covenant is undoubtedly George Gillespie, whose strikingly intellectual features are reproduced from a portrait now in the New College, Edinburgh. Gillespie was the author of *A Dispute against the English Popish Ceremonies obruded upon the Kirk of Scotland*, a work which was 'prohibited by the Privy Council and burnt by the common hangman.' If Wariston is right in his surmise, the Privy Council might have saved themselves the trouble. He tells us that on a certain Sunday he 'was dead al day both in privat and in publik,' and he suspects that 'one chief cause' of his deadness was that his mind had been occupied in reading Gillespie's *Dispute*. Baillie mentions the work, saying 'I admire the man though I mislyke much of his matter; yea I think he may prove amongst the best witts of this Isle.' Gillespie indicates that it was the custom of his time in our Scottish churches for the hearers to cover the head during sermon.

The eighth chapter, written by Dr. Hay Fleming, tells the true story of the subscribing of the National Covenant in 1638, and reveals the error, perpetuated by a well-known historical picture belonging to the Corporation of Edinburgh, that the National Covenant was signed on the last day of February, 1638, by the people generally in the Greyfriars' Churchyard. The fact is now brought out that it was in the church that the signing on that day took place, and those who signed then were 'the noblemen and barons.' The churchyard and picturesque signing with tombstones as desks will have to be relinquished. Many will share Dr. Hay Fleming's regret at this, but, as he says, 'truth is more than sentiment.'

Coming down to the eighteenth and nineteenth centuries, the outstanding fact is the number of distinguished Scottish ecclesiastics who have been ministers of Old Greyfriars'. A list, which includes Principal William Robertson (1761-1793), Professor James Finlayson (1793-1799), Dr. John

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Inglis (1799-1834), father of Lord President Inglis, Dr. Thomas Guthrie (1837-1841), Dr. Robert Lee (1843-1869), Dr. Robert Wallace (1868-1876), and Dr. John Glasse (1877-1909), speaks for itself.

The numerous illustrations and plan of the Greyfriars' yards add to the interest of the volume. Mr. Bryce and Dr. Fleming have collaborated in the writing of a worthy record of a notable church, and its history has afforded a theme for the treatment of which in its different aspects they are fully equipped.

JOHN EDWARDS.

A HISTORY OF PRESTON IN AMOUNDERNESS. By H. W. Clemesha, M.A. Pp. xi, 344, with five Maps. Demy 8vo. Manchester: Sherratt & Hughes, University Press. 1912. 7s. 6d. net.

THIS careful study of the history of Preston, in Lancashire, is worthy of a good place in the Historical Series issued under the patronage of the University of Manchester. It embodies the main results of modern scholarship on the problems of municipal origins and development. For this reason alone the book may be regarded as a trustworthy manual, which should be at the elbow of all students of burghal history.

The municipal growth of the town is somewhat famous owing to the incorporation of the Law of Breteuil in its governing charters, as interpreted nearly twenty years ago by the late Miss Mary Bateson, to the value of whose work Mr. Clemesha has paid a warm tribute. 'As a result of Miss Bateson's work,' he says, 'we have learned of the curious bond which unites a Lancashire manufacturing town with a little known Norman village, and the true meaning and importance of the Customal of Preston have, for the first time, been made clear to us.' In addition to the municipal history, the author has tapped all other available sources, and given us an eminently clear and interesting narrative of the social, political, and ecclesiastical incidents with which the town was connected.

Mr. Clemesha has been very circumspect in his discussion of the origin of the mayoralty of Preston, though it is odd that he has omitted to append a list of mayors. One would have thought that the mayors were as much entitled to enumeration as the ecclesiastical incumbents. The origin of the office is obscure in more municipalities than Preston. But the theory that it is an evolution of the office of reeve or provost may be dismissed. There are early thirteenth century charters in several northern towns witnessed by the mayor, reeve, and bailiffs by name, which show that they existed as separate offices at the same time. Had Mr. Clemesha happily elucidated the origin of the mayor of Preston, he would have done a signal service to municipal history.

JAMES WILSON.

QUELLEN ZUR GESCHICHTE DES PAPSTHUMS UND DES RÖMISCHEN KATHOLIZISMUS. By Professor Mirbt. Pp. xxiv, 514. Tübingen: Mohr. 1911. 8 marks.

THIS new edition, the third, of Professor Mirbt's well-known compilation includes the more important pronouncements of Pius X. and subsidiary documents, such as salient passages from Tyrrell and Loisy. It retains the characteristics of the previous editions, and, while seeking to cover a

much wider field, maintains its position alongside of the last edition of Denzinger's *Enchiridion* as an indispensable tool of every student of ecclesiastical history.

DAVID BAIRD SMITH.

ANTIKVARISK TIDSKRIFT FÖR SVERIGE, utgifven af Kungl. Vitterhets Historie och Antikvitets Akademien. Stockholm. 1911.

OF European archaeologists none are more zealous or successful than those of Sweden. The works of Dr. Hans Hildebrand and Dr. Oscar Montelius, among others, are well known to students in Britain; and, but for the difficulty of language, there would be a more extensive acquaintance with Swedish archaeological literature. An important volume by other workers is now before us—the *Swedish Antiquarian Journal* for 1911, 164 pp., the nineteenth issue of the series. Its contents are two elaborate articles—one on the flint beds and deposits of certain districts of Sweden (*Förhistoriska flintgrufvor och Kulturlager vid Kvarnby och S. Sallerup i Skåne*), by Bror Schnittger, with eighty-seven illustrations; and the other, on the Stone Age in Scandinavia anterior to the age of Stone Kists (*Före Häll-Kisttiden*), by Knut Stjerna, with 179 illustrations. Both articles are of genuine interest, especially for students of Comparative Archaeology, showing, as they do, the general resemblance, in implements, weapons and ceramic art of antiquity, between those of Sweden and of other countries, with, at the same time, variations and peculiarities in form and style which demonstrate distinct Scandinavian types. The author of the second article died on 15th November, 1909.

GILBERT GOUDIE.

JOHNSONIAN GLEANINGS. Part II. FRANCIS BARBER, THE DOCTOR'S NEGRO SERVANT. By Aleyn Lyell Reade. Pp. 132, with three illustrations. Foolscap 4to. Privately printed for the Author. 1912.

THIS part, dealing exhaustively with the career of Francis Barber, Dr. Johnson's negro servant, continues the good work the writer is doing by rescuing from oblivion the humbler members of the circle of the 'great Lexicographer.' We may read here everything that is known about Francis Barber, that he was a slave of the West Indian Bathursts, freed by them, educated by Dr. Johnson at Bishop Stortford, and that he, having been the faithful servant of his master, became his legatee, and as such, was attacked by the Hawkins family. The writer defends him where possible, and traces his troubled later life and that of his widow and his 'methodist' descendants with a care which only those who know his former volumes can either expect or appreciate. The book, a mine of wealth in Johnsoniana, continues the labour of love, and is worthy of being connected with the great *savant* who was its original centre and whom it shows in so humane a light.

A. FRANCIS STEUART.

A HISTORY OF THE MODERN WORLD, 1815-1910. By Oscar Browning, M.A. 2 vols. Vol. I., pp. 448; Vol. II., pp. 547. 8vo. London: Cassell & Co., Ltd. 1912. 21s. net.

'THE present book has no pretensions to originality or research... lectures, writings and discussions, together with the best authorities he could find,

form the sources.' And the volumes are offered as 'a plain account of the political events,' as a contribution to 'the study of contemporary history, so important for the education of a politically-minded nation.' It may further be explained that the field covered is European, and that 'political' is rather strictly interpreted. At a time when politics are being so interpenetrated with industrial issues, and are likely to be so increasingly, it is a defect, from the educational point of view, that this aspect receives such scanty treatment, little better in fact than incidental. The rise of industrial Germany is an important factor in the modern world, but here Germany ceases to count for anything, save in diplomacy after 1871.

On its own limitations, however, the work is a clear, straightforward account of the period it covers, and therefore could scarcely fail in interest. The closing chapter, however, is not a success; perhaps, being so near hand, it could hardly be; but the title 'Edward the Peacemaker' is inexcusable. In the references to the late King, as well as to Queen Victoria, there is a note of fulsomeness which is uncritical, and often in doubtful taste. Nor is it a mark of balanced judgment to speak of the 'admirable self-sacrifice' of one present minister and the 'consummate genius' of another; it would be an interesting exercise in guesswork to place these.

There are some serious blemishes, the reasons for which, like those for a certain statesman's policy (II., p. 497), 'can only be conjectured.' Mr. Browning seems incapable of quoting correctly. The utterance of Lincoln (II., 30) not only suffers from a misprint, but is further mangled. On the opposite page President Buchanan obviously could not 'offend both sides equally' if he 'denied the right of the South to secede, but also declared his own power to coerce.' He also denied he had the power to coerce. The extract from Lincoln's speech at Gettysburg (II., 50-51) is not verbally accurate. The paragraph made up from Morley's *Life of Gladstone* in II., pp. 360-1, is really nearer the original in detail than the confessed citation which follows. A slighter case is the income tax arrangement in the budget of 1853 (I., 372). Of another occasional phenomenon it is best to give a brief example.

'Stringent orders were issued from headquarters, and were only too literally obeyed... and the French were allowed to slip away not only unmolested but unobserved. At daybreak on the 18th Moltke was still uncertain whether Bazaine had resumed his retreat to the Meuse by the northern roads, or had fallen back to Metz. But he was ready for either contingency, etc.'—*Cambridge Modern History*, article by Major Maurice, Vol. XI., p. 592.

'Stringent orders to this effect were issued from headquarters, and were obeyed so exactly that the French were allowed to slip away, not only unchecked but unobserved. The consequence was that at daybreak on August 18th Moltke did not know whether Bazaine was continuing his design of retreating by the northern roads or had retired definitely to Metz. He had to be prepared for either event, etc.'—*History of the Modern World*, II., p. 197.

W. M. MACKENZIE.

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THE ROMANIZATION OF ROMAN BRITAIN. By F. Haverfield. Second Edition, greatly enlarged, with twenty-one Illustrations. Med. 8vo. Pp. 70. Oxford: Clarendon Press. 1912. 3s. 6d. net.

WE are glad to see this re-issue, and particularly glad to find that the original paper has been so very considerably added to both in the way of matter and in the way of illustration. Pointed and luminous, like everything that Professor Haverfield writes, it contains in brief compass an admirable statement of a very important aspect of the Romano-British problem. The new edition has been brought thoroughly up to date; and the text has been broken up into chapters and amplified, with the avowed object of making it more useful to the general reader. We can heartily commend it to all who are interested in the history of England. For students of the Roman period it is indispensable.

GEORGE MACDONALD.

THE BURGH OF PEEBLES. GLEANINGS FROM ITS RECORDS, 1604-52. By Robert Renwick. Second Edition. Pp. xvi, 309, with Plan. 4to. Peebles: Allan Smyth, Neidpath Press. 1912. 7s. 6d. net.

A BOOK of gleanings printed in 1892 from the newspaper type by which it was originally introduced to the public of Peeblesshire, is now fitly reproduced in a dignified format and issued from a Peebles press which does credit alike to Peebles and to this very meritorious and interesting volume of its annals. An excellent part of the equipment is a plan of the town, with an inset diagrammatic map of the vicinity. Mr. Renwick's narrative is a very successful example of the great service to national history which can be rendered by the records of a burgh adequately handled and interpreted, with full local knowledge, and with that loving and unwearied interest in the story of the place, which is the first tribute a great antiquary can pay to his native district. Happily the records of the half-century following the Union are by no means meagre: no man living knows them as Mr. Renwick does, or with such a grasp of their historical relationships burghally and nationally considered; and, besides, the adventures of Peebles are themselves worth telling.

The form chosen is to piece out the narrative with numberless short extracts, which are the best of all guarantees of the author's fidelity. Peebles has long served as the standard type of a small Scottish burgh having a large history: we dare not use the image of the 'penniless lass wi' a lang pedigree,' for its dower of history is out of all proportion to its size. Near enough to the Border to be, as one of its charters says, 'often sacked burnt laid waste and desolated' in the days when England was the unfailing enemy, Peebles had annals which were well kept and which only increased in domestic interest as the town advanced in prosperity after the Union. The Civil War renewed the burgh's acquaintance with adverse fortune, in the shape of occupation by Cromwell after the battle of Dunbar.

The last extract is a description of the great eclipse of 'Mirk Monday,' 29th March, 1652, when even Peebles was awed, and 'the people begane all to pray to God,' a sign of grace which contrasts favourably with innumerable earlier incidents when the town bell was needed to warn citizens

against being 'fund ather drinking or playing,' and when 'bluiddrawing' with whingers and other invasive weapons was too apt to result from festivities. But we must not tempt ourselves to quotation.

In 1910 Mr. Renwick edited for the Burgh Records Society a series of extracts from the Peebles records from 1652 until 1714, which was a sequel to the first edition of the present book. In a review of the volume of 1910 (*S.H.R.* viii. 275) attention was called to the care Peebles evidently took of its muniments, as shewn by the search made for 'the writtes in the steeple' after Cromwell's men had made free with the town. A chapter in the present volume (pp. 278-280) indicates the same zeal at an earlier stage. Peebles is now reaping the benefit of the precautions taken by its burgesses, and it is well that their spirit is so faithfully reincarnated for modern conditions in the person of Mr. Renwick, whom all burghal students delight to honour.

THE CORRESPONDENCE OF JONATHAN SWIFT, D.D., 1718-1727. Vol. III. Edited by F. Elrington Ball, Hon. Litt.D., Dublin. Pp. xix, 468. Demy 8vo. London: G. Bell & Sons, Ltd. 1912. 10s. 6d. net.

THE editor continues to lavish on his work the patient care that we have admired in the volumes already issued. We may read here some excellent letters (*e.g.* on page 100, one to Archbishop King in Swift's happiest vein), and an admirable note in the appendix on Esther Vanhomrigh. Some of Vanessa's curious letters appear in this volume, as well as Swift's only letter to Stella outside the celebrated 'Journal.'

THE RUTHVEN FAMILY PAPERS. THE RUTHVEN VERSION OF THE CONSPIRACY AND ASSASSINATION AT GOWRIE HOUSE, PERTH. Critically revised and edited by Samuel Cowan, J.P. Pp. 208, with thirteen Illustrations. Crown 8vo. London: Simpkin, Marshall, Hamilton & Co., Ltd. 1912. 7s. 6d. net.

It is sad that a book like this should have been published at all. The construction is so faulty and the proof reading so neglected that it is useless and partially incomprehensible to the reader. What the author meant to do was to give a new account of the Gowrie Conspiracy from the point of view of 'a Ruthven narrative . . . written by the Ruthven family, or at least by a *bona fide* member of it.' What he has done is to give a very confused account of the Ruthven family itself, which will not add lustre to his name as a genealogist or be of much help to anyone. On page 57 he not only omits the first wife of Patrick Ruthven, but he leads the unfortunate reader to confuse his daughters with his sisters, as will be seen on comparing that page with page 189. Misprints abound, and even the pictures (the best part of the book) have errors in their descriptions.

TALES OF MADINGLEY. By Colonel T. Walter Harding, D.L., Hon. LL.D. Pp. xx, 491, with thirty-three Illustrations. Demy 8vo. Cambridge: Bowes & Bowes. 1912. 6s. net.

THIS work is concerned with the ancient mansion or Madingley, near Cambridge, which dates from 1543. The home of the Hyndes, it was

the residence of two Princes of Wales, who became afterwards King Edward VI. and King Edward VII. The author has collected the traditions of his home and woven them into a romance, using as far as possible the legends and the knowledge which he has acquired during his searches into the local history.

LE MONT SAINT MICHEL INCONNU. D'APRÈS DES DOCUMENTS INÉDITS.
Par Étienne Dupont. Pp. 326. 8vo. Paris: Perrin et Cie. 1912. 5 fr.

THE Mont has, in addition to a medieval chronicle of its own, a whole modern library about itself, to which M. Dupont has been an equally loyal and indefatigable contributor (*S.H.R.* iii. 506, iv. 362, v. 241, 511, vii. 318). His present book barely justifies the claim of the title page, for the inedited documents used are very few, and the author transcribes for us no page of manuscript. It is, however, a charming collection of separate papers on such subjects as the literature, pilgrimages, military and naval memories, and the historical celebrities of the Mont. Among those themes we are glad to meet one already dealt with by M. Dupont in our own columns on the Scottish prisoners in 1546. There are slips of more than one sort in the statement that 'Henri VII qui soutenait les catholiques dans ce pays envoya Strozzi assiéger le château,' *i.e.* of St. Andrews.

A description of the mode of salt making formerly pursued by the salters (*sauniers*) of Basse-Normandie has special interest from the resemblance it offers to the methods followed until the beginning of last century on the Solway. Odd, but fairly conclusive, is the author's argument that the pictured citadel of Tombelaine, reproduced as his frontispiece, is a veritable castle in the air, as it never existed! Interesting is the story of Bertrand du Guesclin's wife, Tiplaine de Raguene, with the legend, evidently current in her lifetime, of her power in astrology studied from a turret chamber on the Mont.

THE NEGRO IN PENNSYLVANIA: SLAVERY—SERVITUDE—FREEDOM, 1639-1861. By Edward Raymond Turner. Pp. xii, 314. Washington: American Historical Association. London: Henry Frowde. 1911. 6s. 6d. net.

THE Justin Winsor prize in American history was awarded by the American Historical Association to this work, which well fulfils the requirement of 'independent and original investigation.' Its footnote references to state papers, pamphlets, colonial and United States books, prints, and documents show a thoroughly painstaking method, earning an abundance of fact and fortifying the author in his historical conclusions. Pennsylvania not being a plantation state, but commercial and manufacturing, had no need of black labour as had the states further south. Raymond Turner not only himself traces, he also enables us to accompany him in the process of tracing, the introduction of negroes into Pennsylvania anterior to 1639, the gradual determination of a status of slavery different from the original conditions of service and life servitude, the effect of Quaker and German antipathy to the system from first to last hastening its disintegration by manumission of slaves and the trend of legislation, until in 1780 an abolition law was passed—the first in America. Nearly seventy years

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earlier the Assembly had passed tariff laws to check importation, but Britain vetoed them. After 1780 a new evolution began, to determine the status of the free negro, the question of suffrage, ending in the conclusion that he was not a freeman for electoral purposes, the growth strangely alongside of abolitionism of an antipathy to the race, and the momentous political issues raised by conflicting state-views as to fugitive slaves and by the propaganda of the abolitionists seeking to end slavery piecemeal and of the more violent anti-slavery movement, which aimed at its destruction at any cost.

So we see in this record, stopping in 1861, the long development of the conditions, and the nascent and advanced stages of conflicting opinion which were ripening for explosion in civil war. It is a deeply interesting story, well and clearly told. In its beginnings we are reminded of Roman law discussions and distinctions of servitude; midway we see the instinct of freedom continually threatened by reaction, but persistent and still pressing forward; and at the end we perceive that abolition has in it a moral propulsive energy which must prove irresistible. Besides the elaborate foot-notes, laden with citations, fifty pages of bibliography attest the ground worked over by Professor Turner in a treatise most worthy of the prize it gained.

JOURNAL OF JOHN ASTON, 1639. Pp. 47. 8vo. Alnwick: Henry Hunter Blair. 1911.

THIS contribution by Mr. J. C. Hodgson to the History of the Berwickshire Naturalist's Club, Vol. XXI., comes as an off-print, which is welcome as editing a valuable account of an Englishman's experiences attending on King Charles as a privy chamberman extraordinary in April, May, and June, 1639, while the Covenanters awaited attack on Duns Law, until after the Treaty of Berwick had ended the first Bishops' War. Aston, a Cheshire gentleman and a capable observer, details very clearly all that was done. The disposition of the royal forces is intelligently presented: there is a capital sketch of Berwick and its condition to resist attack by the Covenant; most of the town, he says, were favourable to the Covenant, 'though they durst not openly shew it, there being noe reproach soe shamefull as to call them Covenanters.' Of chief interest and moment are the descriptions of the king's camp at the Birks, three miles west of Berwick, and of General Leslie's position at Duns. The day after the treaty was signed Aston visited Duns Law and admired the skill of Leslie's formation, which made it difficult to estimate the number of troops. 'Though one ride often round yet hee could not without curious observation tell when hee had compassed them.' [This trick is old enough on the Scottish borders to be described in *Egilssaga* as a stratagem by which Egil hoped to deceive Anlaf at Brunanburh.] No feature of the description is so interesting as that which Aston gives of the Highland contingent in Leslie's army. We apologise to Mr. Hodgson for stealing this plum from his paper.

'Most guessed them to bee about 10 or 12,000 at the most, accounting the highlanders, whose fantastique habitt caused much gazing by such as

have not seene them heertofore. They were all or most part of them well timbred men, tall and active, apparrelled in blew woollen wascotts and blew bonnetts. A pair of bases of plad, and stockings of the same, and a pair of pumpes on their feete: a mantle of plad cast over the left shoulder and under the right arm, a pocquett before for their knapsack, and a pair of durgs on either side the pocquet. They are left to their owne election for their weapons: some carry onely a sword and targe, others musquetts and the greater part bow and arrowes, with a quiver to hould about 6 shafts made of the maine of a goat or colt with the haire hanging on and fastned by some belt or such like soe as it appears allmost a taile to them. Theise were about 1000 and had bagg-pipes (for the most part) for their warlick instruments. The Laird Buchannan was theire leader. Theire ensignes had strange devices and strange words in a language unknowne to mee whether their owne or not I know not. The ensignes of the other Scotts had the St Andrew's crosse in which this word: "Covenant for Religion Crowne and Country."

Aston's story is a piece of good writing, and his summary of the Scottish position will close our quotations.

'Indeed the campe was not easy to be assaulted and the plaine round about the hill for a mile or two was soe strewed with great stones naturally that art could not have made a better defence against our horse (wherein was our greatest strength) and to helpe them more the generall caused every musquetier instead of a rest, to carry a short staffe shod with iron at both ends to stick sloaping into the ground for pallisadoes against our horse: but all theise preparations and great lookes upon one another ended in a treaty: and soe upon the 20th of June the Scotch army broke up.'

Numismatists may note that Aston, in a schedule of the Scots coinage at this time, says: 'Bothwells: VI make a penny English. Placks: 3 make a penny English. Atchinsons: 3 make two pence English.'

Aitchison had been master of the mint under James VI. and Charles I., and was directly connected with introducing new copper coins. Bothwell, however, has apparently not been traced at the mint, but the passage from Aston above cited antedates by eleven years the oldest reading for 'bodle' in the Oxford *Dictionary*.

The foregoing citations alone suffice to show what acknowledgment Mr. Hodgson deserves for his service to Scots history in editing the privy chamberman's journal, the author's title for which was *Iter Boreale Anno Salutis 1639 et Dissidiæ inter Anglos et Scotos*.

THE TEINDS. WHOSE AND WHAT ARE THEY? A SKETCH OF THEIR ORIGIN AND HISTORY. By J. H. Stevenson. Pp. 32. Cr. 8vo. Glasgow: MacLehose. 1912. Sixpence net.

THIS is a lucid and carefully worked-out historical answer to the questions it puts, insisting centrally on the fact that teinds were not a tax but a free-will gift. Incidentally the rise of parishes comes into the story, and the changes consequent on the Reformation, especially as regards the appropriation of teinds, are critically scrutinised. The author in this concise and instructive brochure happily reconciles an antiquary's duty to history with the sympathies of an elder.

112 Bartholomew : Gunning's Last Years

GUNNING'S LAST YEARS : NINE LETTERS FROM MISS MARY BEART TO PROFESSOR ADAM SEDGWICK. Edited by A. T. Bartholomew. Pp. 27, with Frontispiece. 8vo. Cambridge : Bowes & Bowes. 1912. 1s. net.

THIS reprint from the *Cambridge Review* has for frontispiece a portrait of Henry Gunning from a painting. The letters contain flashes of sarcasm, and are worth reading in spite of the morbid subject, for Miss Beart was nursing the dying man and wrote the letters to describe his illness.

We have frequently reviewed the volumes of the *Cambridge Modern History* as they have been published, and give a cordial welcome to the *Cambridge Modern History Atlas* (Cambridge University Press, 1912 ; 25s. net). It contains 141 maps in colours, and an elaborate index. The volume will be found not only of great use to readers of the *Cambridge Modern History*, but as a work of reference to students.

We note with pleasure the publication of *Chronos, a Handbook of Chronology* : Chronological Notes in History, Art, and Literature from 8000 B.C. to 1700 A.D., for the use of Travellers, by R. J. Hart (London : George Bell & Sons ; 6s. net). Books such as this are of great service to students. So far as we have checked this volume we have found it accurate. It contains much information as to the by-paths of history, and has many references to literature and art.

Professor Firth has reprinted from the Royal Historical Society's *Transactions* his curious and attractive paper on *The Ballad History of the Reign of King James I.* It is a capital historical anthology, almost every chief event of the reign being illustrated by satire or song. Among themes touched are the sale of titles, the deeds of the pirates, the lottery of 1612, the death of Prince Henry, the King's visit to Cambridge, Gunpowder Plot, the death of Raleigh, the fall of John of Barneveld, the proposed but unpopular Spanish match, and the welcome actual French marriage. Elegies on the king's death close the paper with his praises :

'For wisdom Salomon ; David for pietie ;
A heavenly man if not an earthly deitie.'

Professor Firth adds briskness and colour to formal historical record by these little pieces, which are charged with gossip and intimate facts, besides reflecting contemporary feeling.

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Loose and Broken Men

I FOUND the other day an old bundle of papers docketted as above in my own hand.

Many years ago I must have come on them at Gartmore, and as in those days it was what the people called a 'sort o' back-lying place,' traditions of the doings of loose and broken men still survived, though vaguely and as in a mist. The loose and broken men, whose fame still echoed faintly in my youth, were those who after the 'Forty-five' either were not included in the general amnesty, or had become accustomed to a life of violence.

Once walking down the avenue at Gartmore with my old relation, Captain Speirs, we passed three moss-grown lumps of pudding-stone that marked the ancient gallows-tree. Turning to it he said :

'Many's the broken man your ancestor, old Laird Nicol, hangit up there, after the Forty-five.' He also told me, just as if he had been speaking about savages, 'When I was young, one day up on Loch Ard-side, I met a Hielandman, and when I spoke to him, he answered "Cha neil Sassenach"; I felt inclined to lay my whip about his back.'

Even then I wondered why, but prudently refrained from saying anything, for the old Captain had served through the Peninsular Campaign, had been at Waterloo, and, as the country people used to say, he had 'an eye intil him like a hawk.'

This antipathy to Highlandmen which I have seen exhibited in my youth, even by educated men who lived near to the Highland

Line, was the result of the exploits of the aforesaid loose and broken men, who had descended (unapostolically) from the old marauding clans.

The enemy came from 'above the pass,' to such as my old uncle, and all the glamour Scott had thrown upon the clans never removed the prejudice from their dour Lowland minds.

Perhaps if we had lived in those times we might have shared it too.

One of the documents in the bundle to which I have referred is docketted 'Information for Mr. Thomas Buchanan, Minister of Tullyallan, heritor of Gouston in Cashlie.' Gouston is a farm on the Gartmore estate, on which I, in years gone by, have passed many long and wet hours measuring drains and listening to complaints. 'Laird, ma barn flure's fair boss.' 'Ye ken a' the grips are wasted.' 'I havena got a gate in the whole farm,' with much of the same kind ; complaints no doubt all justified, but difficult to satisfy without Golconda or the Rand to draw upon, are ever present in my mind.

The document itself, one of a bundle dealing with the case, written I should judge by a country writer (I have several documents drawn up by one who styles himself 'Writer in Garrachel,' a farm in Gartmore barony), is on that thick and woolly but well-made paper used by our ancestors, and unprocurable to-day. The writing is elegant, with something of a look of Arabic about its curving lines. It states that :

'Ewan Cameron, Donald M'Tavish in Glenco, Allen Mackay, in thair (in thair, seems what the French would call "une terre vague," but has a fine noncommittal flavour in a legal document), John and Arch. M'Ian, his brethren, Donald M'Ian, alias Donachar, also Paul Clerich, Dugald and Duncan M'Ferson in Craiguchty, Robert Dou M'Gregor and his brethren, John and Walter M'Watt, alias Forrester, in Offerance of Garrochyle belonging to the Laird of Gartmore...came violentlie under cloud of night to the dwelling house of Isabell M'Cluckey, relict of John Carrick, tenant in the town of Gouston with this party above mentioned and more, on December sixteen hundred (the date is blank, but it occurred in 1698), and then on that same night, it being the Lord's Day, broke open her house, stript (another document on the case says "struck," which seems more consonant to the character of the Highlanders) and bound herself and children contrarie to the authoritie of the nation, and took with them her whole

insicht and plenishing,¹ utensils and domicil, with the number of six horses and mares, sixteen great cows and their followers, item thirty six great sheep and lambs and hogs equivalent, and carried them all away violentlie, till they came to the said Craiguchty, where the said Ewan Cameron cohabited.'

I fancy that in Craiguchty, which even in my youth was a wild-looking place, the 'authoritie of the nation' had little sway in those days. From another document in the bundle, it appears

¹ *The subjoined Inventory, dated 1698, shows how thoroughly the work was done. It also shows what a careful housewife Isabell M'Luckie was, and that she was a past mistress of the science of making a 'poor mouth.'*

Ane particular List of what goods and geir utencills and domicills was taken and plundered from Issobell M'Luckie Relict of the decest John Kerick by Eun Cameron and his Accomplices as it was given up by her self :

In primis there was Ane gray meir estat to	040	00	0
Item other three meirs estat to 20 lib p.p. is	060	00	0
It Ane flecked horse and ane black horse estat to 24 lib p.p	048	00	0
It there was taken away ten tydie Coues estat to p.p. 24 lib is	240	00	0
It three forrow Cowes giving milk estat to 20 lib pp is	060	00	0
It two yeild Cowes estat to 12 lib p.p. is	024	00	0
It two twoyeirols estat to 8 lib p.p. is	016	00	0
It there was taken away thirtietwo great southland Sheep estat to thre pound Scots p pice is	096	00	0
It there was fourteen hogs estat to 2 lib 10 sh: p.p is	021	00	0
It of Cloath and wolen yairn estat to	035	00	0
It Eight plyds viz four qrof double and four single estat to	048	00	0
It ane pair of wollen Clats estat to	001	16	0
It Ane pair of Cards estat to 2 mk is	001	6	8
It two heckles viz Ane fyne & ane courser estat to	003	18	0
It of mead neü harn in shirts 30 elns estat to	012	00	0
It of neü Linning in Shirts 24 elns estat to	012	00	0
It ten petticoats estat to	030	00	0
It four westcoats for women estat to	004	6	0
It thre gouns for women estat to	012	0	0
It on ax two womels a borrrall & a hamer estat to	002	10	0
It two brass pans estat	003	12	0
It two dozen & a half of spoons estat to	001	18	0
It on pair of sheetts & on pair blanqwets estat to	005	00	0
It on Covering estat to	004	00	0
It two bibles estat to	003	10	0
It on pair of tongs estat to	000	10	0
It 2 pair shoes & 2 pairs stockings estat to	005	08	0
It two green aprons estat to	003	00	0
It Ane pair of plou Irons and plough graith estat to	012	00	0
It Ane pistoll and a firelock estat to	010	00	0
It of readie Cash	013	06	8

that, not content with driving off the stock and bearing away the 'insicht and the plenishings,' the complainants and their servants 'were almost frichted from their Witts, through the barbarous usadge of the said broken and loose men.'

However, the 'mad-herdsmen,' as the phrase went then, drove the 'creagh' towards Aberfoyle. The path by which they carried it was probably one that I once knew well.

It runs from Gartmore village, behind the Drum, out over a wild valley set with junipers and whins, till after crossing a little tinkling, brown burn, it enters a thick copse. Emerging from it, it leaves two cottages on the right hand, near which grow several rowans and an old holly, and once again comes out upon a valley, but flatter than the last. In the middle of it runs a larger burn, its waters dark and mossy, with little linns in which occasionally a pike lies basking in the sun.

An old-world bridge is supported upon blocks of pudding-stone, the footway formed of slabs of whin, which from remotest ages must have been used by countless generations of brogue-shod feet, it is so polished and worn smooth. Again, there is another little copse, surrounded by a dry-stone dyke, with hoops of withes stuck into the feals, to keep back sheep, and then the track comes out upon the manse of Aberfoyle, with its long row of storm-swept Spanish chestnuts, planted by Dr. Patrick Graham, author of

It ane buff belt	001 04 0
It two plyds estat to	016 00 0
It of Muslin and Lining and oyr fyn Close estat to	020 00 0
It ten elns of new black felt in yarn & wool	010 00 0
It Six Sack of tueling four elns each	008 00 0
It a canvas eight eln	002 13 04
It a quarter of Butter & half ston	002 00 0

I flacked horse 4 year old

I bell broun horse 3 whyt feet 8 year old

2 bell broun mares whyt foted whyt nosed 7 year old

Merk of her sheep

prope in ye far lug & only cloven in ye near lug—

Loss of 20 bols of red land whyt corn sowing

It a hundred cups of sheep muck

It Sixtie cups of cows muck

It of silver rent

It of Lorne meal ten bols

It of expenses wt. M^cLuckie at sevrel trysts

It of spy money

33 13 04
09 00 00
02 00 00
60 00 00
80 00 00
10 00 00
10 00 00

Sketches of Perthshire. From this spot, Ewan Cameron, Donald M'Ian (*alias* Donachar) and Robert Dhu M'Gregor, might have seen, though of course they did not look, being occupied with the creagh, the church and ancient churchyard of Aberfoyle, and the high-pitched, two-arched bridge, under which runs the Avon-Dhu.

All this they might have seen as 'Ewan Cameron cohabited at Craiguchty,' near the Bridge of Aberfoyle. Had they but looked they would have seen the Clachan with its low, black huts, looking like boats set upside down, the smoke ascending from the wooden box-like chimneys,—these they did not mark, quite naturally, as they were the only chimneys they had ever seen; nor did the acrid peat-reek fill their nostrils, accustomed to its fumes, with the same smell of wildness as it does ours to-day.

Craigmore and its White Lady was but a ruckle of old stones to them, and if they thought of any natural feature, it may have been the Fairy Hill to which the Rev. Robert Kirke, their minister, had retired only six years before, to take up habitation with the Men of Peace.¹

Most probably they only scrugged their bonnets, shifted their targets on their backs, called out to any lagging beast, or without stopping picked up a stone to throw at him. The retiring free-booters 'lay there (Craiguchty) the first night.' One can see them, going and coming about the little shieling, and Ewan Cameron's wife and children, with shaggy hair and uncouth look, coming out to meet them, just as the women of an Arab 'duar' come out to meet a marauding party, raising their shrill cries.

Some of the men must have been on guard all night to keep the animals from straying and to guard against surprise, and as they walked about, blowing upon their fingers to keep them warm, the cold December night must have seemed long to them.

They would sleep little, between the cold and fear of an attack. Long before daylight they would be astir, just as a war party of Indians, or cattle-men upon an expedition in America, who spend the colder hours before the morning seated around the fire, always rise just before the dawn to boil their coffee pots. We know what took the place of coffee with Ewan Cameron and his band, or can divine it at the least.

Next night they reached Achray, 'in the Earl of Menteith's

¹ See the *Secret Commonwealth of Elves, Fairies and Fauns*, written in 1691 (?) and supposed to have been first published in 1815. It was reprinted in 1893, with Introduction by Andrew Lang.

land, and lay there in the town.' By this time the 'said hership' (that is, the stolen beasts) must have been rather troublesome to drive, as the old trail, now long disused, that ran by the birch copse above the west end of Loch Dunkie, was steep and rocky, and ill adapted for 'greate coves.'

Both at Craiguchty and Achray they had begun to sell their booty, for the tenants there are reported as not having been 'free of the hership.'

In fact, 'Walter and John M'Lachlin in Blairwosh' bought several of the animals. Their names seem not to have been concealed, and it appears the transaction was looked upon as one quite natural.

One, Donald Stewart, 'who dwells at the wast end of Loch Achray,' also 'bought some of the geare,' with 'certaine' of the sheep, and 'thereafter transported them to the highland to the grass.'

Almost unconsciously, with regard to these sheep, the Spanish proverb rises to the mind, that says, 'a sardine that the cat has taken, seldom or never comes back to the plate.'

So far, all is clear and above board. Ewan Cameron and his band of rogues broke in and stole and disposed of such of the booty as they could, sharing, one hopes, equitably between them the sum of 'fiftie six pounds, six shillings and eight pennies' (Scots) that they found in the house, reserving naturally a small sum, in the nature of a bonus, to Ewan Cameron, for his skill in getting up the raid.

As I do not believe in the word 'stripping,' and am aware that if we substitute the homelier 'striking' for it, no great harm would probably be done in an age when the stage directions in a play frequently run 'beats his servant John,' when speaking of some fine, young spark, all hitherto seems to have been conducted in the best style of such business known on the Highland line.

Now comes in one 'Alexander Campbell, alias M'Grigor,' who 'informs'; oh, what a falling off was there, in one of the Gregarach.

This hereditary enemy of my own family, and it is chiefly upon that account I wish to speak dispassionately . . . 'sed magis amicus veritas' . . . informed, that is he condescended to give his moral support to laws made by the Sassenach 'that Duncan Stewart in Baad of Bochasteal, bought two of the said coves.' Whatever could have come into his head? Could not this Campbell, for I feel he could not have been of the sept of Dougal Ciar Mor, the hero who

wrought such execution on the shaveling band¹ of clerks after Glen Fruin, have left the matter to the 'coir na claidheamh'?

So far from this, the recreant M'Gregor, bound and obliged himself 'to prove the same by four sufficient witnesses'—so quickly had he deteriorated from the true practice of his clan. His sufficient witnesses were 'John Grame and his sub-tenant in Ballanton, his neighbour Finley Dymoch, and John M'Adam, Osteleir in Offerance of Gartmore.' A little leaven leaveneth the whole, and the bad example of this man soon bore its evil fruit.

We find that 'Robert Grame in Ballanton' (that is not wonderful, for he was of a hostile clan and had received none of the spoil as justifiable hush money) also came forward, with what in his case I should soften into 'testimony.' Far more remains to tell. 'Jean, spouse to the said Ewan Cameron,' that very Ewan who so justly received a bonus as the rent of his ability, also came forward and informed. She deponed 'that Walter M'Watt was of the band,' although we knew it all before.

It is painful to me to record that the said M'Watt was 'tenant to said Laird of Gartmore,' for it appears according to the evidence of Ewan Cameron's wife that 'he brocht the said rogues to the said house, went in at ane hole in the byre, which formerly he knew, opened the door and cutted the bands of the said coves and horse.' This man, who after all neither made nor unmade kings, but only served his lord (Ewan Cameron), 'got for his pains, two sheep, a plyde, a pair of tow-cards, two heckles and a pair of wool cleets, with ane maikle brass pan and several other thinges.' The harrying of the luckless Isabell M'Clucky seems to have been done thoroughly enough, and in a business way. However, punishment possibly overtook the evil-doers, as Thomas M'Callum, 'who changed the said brass pott with the said M'Watt for bute,'² testified in confirmation of the above.

'Item Janet Macneall giveth up that she saw him take the plough irons out of a moss hole the summer thereafter with ane pott when he flitted out of Offerance to the waird, and that he sent the plaid and some other plenishing that he got to John

¹ I am well aware that gentlemen of the Clan Gregor have indignantly denied that Dougal Ciar Mor was the author of the slaughter of the students in Glen Fruin. If though we hold him innocent, how is he to be justified in the eyes of fame, for he seems to have done nothing else worthy of remark, . . . except of course being the ancestor of Rob Roy, an entirely unconscious feat of arms on his part.

² But = spoil.

Hunter his house in Corriegreenan for fear of being known. Item the said Walter M'Watt died tenant to the Laird of Gartmore and his spouse and the said John Hunter took and intromitted with the whole geir. Item Elizabeth Parland spouse to umquhile George M'Muir, Moorherd in Gartmore, informs she being ane ostlere, that they gave a cow that night they lifted the hership to Patrick Graeme in Middle Gartfarran in the byegoing betwixt him and his brother Alexander Graeme in Borland and also that the said Robert M'Grigor and his brethern with the said John M'Watt met them in the way, although they came not to the house.

Item that they sold the rest of the geir at one Nicol M'Nicol's house in the Brae of Glenurchy and the said Nicol M'Nicol got a flecked horse for meat and drink from them and lastly Dugald M'Laren and his brother Alexander got aquaviti among them. This is the true information of the said persons that I have endeavoured to get nottrie att, and if they be not material bonds and grounds of pursuit in it I give it over, but as I think the most material point is in the third article.'

So ends the document, leaving us in the dark as to what happened in the end, just as is usually the case in life.

The names of nearly all the witnesses, as Elizabeth Parlane, John Ffisher, Robert Carrick, Robert M'Laren, Thomas M'Millan, the pseudo-M'Gregor, and of course the Grames, were all familiar to me in the Gartmore of my youth.

All the place-names remain unchanged, although a certain number of them have been forgotten, except by me, and various old semi-Highlanders interested in such things, or accustomed to their sound. Ballanton, Craiguchty, Cullochgairtane (now Cooligarten), Offerance of Garrachel, Gouston of Cashlie, Bochaistail, Gartfarran, Craigieneult, Boquhapple, Corriegreenan, and others which I have not set down, as Milltown of Aberfoyle, though they occur in one or other of the documents, are household words to me.

What is changed entirely is the life. No one, I say it boldly, no one alive can reconstruct a Highlander of the class treated of in my document as Loose and Broken Men.

Pictures may show us chiefs. Song and tradition tell us tricks of manner; but Ewan Cameron, Robert Dou M'Grigor, and their bold compeers elude us utterly. A print of Rob Roy, from the well-known picture once in the possession of the Buchanans of Arden, hangs above the mantelpiece just where I write these lines.

He must have known many a "gallowglass" of the Ewan Cameron breed; but even he was semi-civilised, and of a race different from all my friends. Long-haired, light (and rough) footed, wild-eyed, ragged carles they must have been; keen on a trail as is an Indian or a Black-boy in North Queensland, pitiless, blood-thirsty, and yet apt at a bargain, as their disposal of the 'particular goodes, to wit, four horses and two mares,' the sheep and other 'gear' goes far to prove.

The mares and horses are set down as being worth 'thirttie six pound the piece overhead,' and I am certain Ewan Cameron got full value for them, even although the price was paid in Scots, for sterling money in those days could not have been much used 'above the pass.' It must have been a more exciting life in Gartmore and in Aberfoyle than in our times, and have resembled that of Western Texas fifty years ago. In London, Addison was rising into fame, and had already translated Ovid's *Metamorphoses*. Prior was Secretary to the Embassy in Holland, Swift was a parish priest at Laracar, and in the very year (1698) in which Ewan Cameron drove his 'creagh' past the Grey Mare's Tail, on the old road to Loch Achray, Defoe published his *Essay on Projects*, and two years later his *True Englishman*.

Roads must have been non-existent, or at least primitive in the district of Menteith. This is shown clearly by the separation, as of a whole world, between the farm of Gouston, near Buchlyvie, and the shores of Loch Achray, where it was safe to sell in open day, beasts stolen barely fifteen miles away.

Men, customs, crops, and in a measure even the face of the low country through which those loose and broken men passed, driving the stolen cows and sheep, have changed. If they returned, all that they would find unaltered would be the hills, Ben Dearg and Ben Dhu, Craig Vadh, Ben Ledi, Schiehallion, Ben Voirlich, distant Ben More, with its two peaks, and Ben Venue peeping up timidly above the road they travelled on that December night, the Rock of Stirling, the brown and billowy Flanders moss, and the white shrouding mists.

R. B. CUNNINGHAME GRAHAM.

A Forgotten Scottish Scholar of the Sixteenth Century¹

IN Smollett's comedy, *The Reprisal*, published in 1757, one of the characters, a Scottish ensign in the French service, makes this remark to his companion-in-arms, an Irish lieutenant of the name of Ochlabber, 'Hoot, fie! Captain Ochlabber, whare's a' your philosophy? Did ye never read Seneca *De Consolatione*, or Volusenus, my countryman, *De Tranquillitate Animi*?' It was not very likely that an Irish lieutenant should have heard of Volusenus, and still less likely that he had read his principal work. At least, only six years before the appearance of Smollett's play, a Principal of the university of Edinburgh, Dr. William Wishart, had published a new edition of Volusenus's book, accompanied by a prefatory epistle in which the writer² asks this question, 'How many to-day have heard anything of Volusenus?' If we go back a century earlier, we find that Volusenus was then no better known, even in his native country. In 1637 had appeared a previous issue of his book, and the editor, David Echlin, physician to Henrietta Maria, begins his dedication as follows: 'How much not only his parent Scotland, prolific in such geniuses, but all the nations of the earth, owe to Florentius Volusenus, this one little book of his amply testifies.' In view of the immense debt the world owed to Volusenus, however, it is somewhat curious to find the editor taking credit to himself for 'rescuing Volusenus from the jaws of Orcus.' These testimonies may suffice to prove that, though Volusenus may have been known to a few scholars, he had no place in the memories of the mass of his countrymen as one of the distinguished ornaments of their nation. Be it added that of the Scottish historians who wrote in

¹ Delivered as an Introductory Lecture to the Class of Ancient (Scottish) History in the University of Edinburgh.

² Dr. John Ward of Gresham College, London.

the sixteenth and seventeenth centuries, only one, Calderwood, mentions his name.¹

In recent years, Florence Wilson, for such is his name in the vernacular, has attracted the attention of three distinguished scholars, all of whom recognised in him a rare and choice spirit whom his countrymen do not well to forget. It fell to Professor Robertson Smith to write an account of Wilson for the *Encyclopaedia Britannica*, and he became so interested in the task that he made a special investigation of Wilson's career, with the result that he discovered two productions from his hand which had hitherto escaped notice. The late Dr. R. C. Christie, whose life was devoted to the study of the sixteenth century, and whose biography of the printer Étienne Dolet is the monument of his labours, also found in Wilson a subject of such interest that he contributed a sketch of him to the *Dictionary of National Biography*, in which he throws new light on certain periods of Wilson's career. Finally, a French historian, M. Ferdinand Buisson, well known for his services to primary education in France, has given a picture of Wilson and his surroundings which puts it beyond doubt that he was one of whom his country had reason to be proud.²

In the sixteenth century it was not the custom to write a two-volume biography of every person more or less distinguished immediately on his decease. At the close of his long life, George Buchanan wrote a brief sketch of his own career; and it was a wise precaution, since that sketch is the foundation of every biography that can be written of him. In the case of even the most notable scholars, a page or two prefixed to their works by some one more or less intimately acquainted with them is for the most part the sole record we have of their lives. So it is in the case of Florence Wilson, of whom we have a page of biography from the

¹ Calderwood's account of Wilson is as follows: 'Florence Wilsone, a Black frier, in Elgine of Murrey, threw off his monkish habite this yeere, (1539,) and fled out of the countrie. He was a learned man, and of great expectatioun, as Gesnerus gathered, partlie frome his workes, and partlie by conference with him at Lions. The yeere following, as he maketh mentioun in his Bibliothecke, when he was in England, he had some conference with the Bishop of Rochester. The bishop tooke him to have beene a merchaunt. But after some conference he perceaved him to be a learned man, and burst forth in these words, "I mervell that the hereticks can interpret the Scriptures so perfytelie!" (*Historie of the Kirk of Scotland*, i. pp. 133-4.)

² Sébastien Castellion, *sa Vie et son Œuvre* (Paris, 1892), vol. i. pp. 35-6.

hand of one who wrote some seventy years after his death.¹ Fortunately there are other stray sources of information which give us glimpses of him at certain periods of his life that are of special interest and significance. Anything approaching a detailed biography of him, indeed, is impossible with the materials at our disposal, yet, such as it is, our information presents us with a career and a personality which seems to have impressed and fascinated personages of the highest note, equally in the world of learning and of diplomacy.

Of Wilson's parentage we know nothing—his biographer making the bare statement that he was of good family. Nor have we any trustworthy record either of the date or the place of his birth.² As to the date, all that we can safely say is that he was born in the opening years of the sixteenth century, and thus was the contemporary of George Buchanan, who was born in 1506 or 1507, and with whom in later life he came to be in friendly relations. From a passage in his chief work we incidentally learn the part of the country with which at least a part of his youth was associated. He there represents himself as walking on the banks of the river Lossie in company with one William Ogilvie, who was to be his life-long friend, and discussing the eternal problems of human life and destiny.³ As at the period when these discussions took place, he had studied philosophy for four years, we may infer that he had completed his course at some university where philosophy was taught.

In the sixteenth century, in Scotland, households did not frequently migrate from one part of the country to another. Under the conditions of feudal society the successive generations remained of necessity attached to the neighbourhood where they had originally struck root. It seems a fairly safe inference, therefore, that on the completion of his university course Wilson returned to his native district and his paternal home. And if the inference be correct, he was fortunate in the region of his birth. The Scottish historians, who wrote in the sixteenth century, celebrate

¹The biographer was Thomas Wilson, advocate, son-in-law of Archbishop Adamson. The biography is attached to his edition of Adamson's Works (*Adamsoni Poemata Sacra*, Lond. 1619, 4to).

²His biographer gives no date, but specifies the place of his birth as 'the banks of the Lossie, not far from Elgin.' This statement was probably based on a passage in *De Animi Tranquillitate* referred to below.

³*De Animi Tranquillitate* (ed. 1751), p. 100.

the district of Moray as the garden of Scotland, unsurpassed elsewhere for the fertility of its soil and the beauty of its scenery. In Wilson's day natural scenery was not the object of aesthetic contemplation which it is in ours, but in a simple, human way they found their own pleasure in it, as their writings abundantly testify. Long afterwards, when settled in France, he recalled the beauties of his early haunts—the hills clothed with woods, the fertile fields and the neighbouring lake, Loch Spynie, frequented by swans.¹

More important, in view of his subsequent career, is the fact that in the neighbouring town of Elgin he would find advantages which few other towns in Scotland could then offer. There was its cathedral, the most beautiful edifice of its kind in the country, though in Wilson's day it bore the marks of the sacrilegious hand of the Wolf of Badenoch, who in the previous century had avenged himself on the Bishop of Moray by ravaging his temple. In the cathedral and the community of ecclesiastics attached to it he would see the Church of Rome represented in its most august form, and the impression they made upon him appears in his description of the Temple of Peace, constructed of Parian marble, and where heathen virtue found its home.² In Elgin, also, towards the end of the previous century, 1489, the Chapter of the cathedral had founded a school which from the richness of the diocese of Moray was likely to have been one of the best in the country. As in all the cathedral schools of the time, Latin would be the main subject of study, and, if it were taught as it was taught in other schools of which we have the record, the aptest pupils would acquire a colloquial use of the Latin language which made them citizens of educated Europe. The Latin taught at Elgin in Wilson's day would, of course, be the mediæval Latin of the Church, and not that language as it had come to be written by the Latin humanists of the fifteenth century. In an interesting passage in his *Dialogue* Wilson expresses the consciousness of his disadvantage in not having been trained in the latest lights of the revival of letters. To the two interlocutors who desire him to expound his philosophy of life he apologises for himself as 'a barbarian, born and reared in an alien tongue and alien manners—that is to say, among the remote Britons; and late and superficially tinctured with that learning which for them is foreign and acquired.'³ In point of fact, wherever he acquired the accomplishment, Wilson came to write Latin with a correctness

¹ *Ib.* p. 101.

² *Ib.* pp. 101 *et seq.*

³ *Ib.* p. 19.

which gained the applause of his contemporary scholars ; and he even criticises Erasmus for the negligence of his Latin style.¹ And we shall see that at a turning-point of his career the choiceness and elegance of his Latin speech gained him the friendship and patronage of one of the great princes of the Church, accomplished in all the learning of the age.

Indirectly from Wilson himself we learn that he studied at the University of Aberdeen, then the best equipped of the three universities that had been founded in Scotland during the fifteenth century. Under the munificent patronage of Bishop Elphinstone, its founder, it had a staff of thirty-six teachers—all, be it noted, members of the Collegiate Church of Aberdeen. At its head was a scholar of dubious fame in our literary annals, Hector Boyce,² who deserves a passing reference as the earliest known representative in Scotland of what is designated humanism. Born in Dundee about 1465, he had studied in Paris, where he subsequently taught philosophy in one of its most famous schools, the Collège Montaigu. Of all the colleges in the University of Paris, Montaigu had the reputation of being most hostile to the new lights of the time, and Erasmus bitterly rails against it as the stronghold of effete studies. The philosophy which Boyce taught in Montaigu, therefore, must have been the trifling dialectic into which scholasticism had degenerated at the close of the fifteenth century. But what is singular is that he writes a Latin style which in vocabulary and construction has nothing in common with the Latin of the schoolmen, as we have it, for example, in the writings of his contemporary, John Major. Boyce had evidently taken as his models the classical writers of Rome, more especially Livy, whom in his *History of Scotland* he obviously sought to emulate. Of that remarkable history this is not the occasion to speak. Here we are only concerned with the fact that Boyce belonged to a class of persons who are found in every age. By his natural instincts he was in full sympathy with the new tendencies of his time, but from early training and associations he could not entirely free himself from the trammels of the past.

As philosophy was the subject on which Boyce prelected, it is probable that it was at his feet Wilson sat during his university

¹ *De Animi Tranquillitate* (ed. 1751), p. 250.

² In a letter addressed later in life to his friend John Ogilvie, Wilson sends his greetings to Hector Boyce, whom, therefore, he must have known in his youth. *Notes and Queries*, 2nd Series, viii. Sept. 10, 1859.)

course at Aberdeen. Doubtless, the matter and method of Boyce's discourses were but a repetition of what he had learned in the benighted college of Montaigu. At all events, Wilson does not appear to have thought his four years' study of philosophy at Aberdeen to have been very profitably spent. 'The early part of my life,' he says, 'was passed in learning trifles; would that a good portion of it had been devoted to learning the Greek and Latin tongues. From that neglect I find myself deficient in those advantages which are requisite to one who wishes to succeed in literature.'¹ Here speaks the scholar, for whom the study of classical antiquity was the most desirable discipline for the human spirit. By an interesting coincidence, about the very period when Wilson was listening to Boyce, George Buchanan was studying at St. Andrews under John Major, the schoolman pure and simple. And Buchanan was as irreverent towards his master as was Wilson. 'John Major,' he says, 'wasted our time in dialectic subtleties and sophistical arguments.' It was the meeting of the old world and the new. Wilson and Buchanan were both children of the Renaissance, though each pursued a path of his own. The predilection of Wilson was reflective meditation on the problems of life, while the interests of Buchanan were in literature, and especially in poetry, in which he was to win such a resounding reputation among his contemporaries.

On his completing his university course at Aberdeen, as we saw, Wilson appears to have settled for a time at or near Elgin. When next we hear of him he is in Paris, there, like so many of his contemporaries, completing the studies he had begun in his native country. There was a special inducement for students of the diocese of Moray to proceed to the University of Paris. So far back as 1325 a Bishop of Moray had founded a college there for the instruction and accommodation of youths of his diocese who might choose a career of learning. In time the college had been opened to Scots from all parts of the country, but natives of Moray would have a preferable claim, and it is natural to suppose that, on his first settlement in Paris, Wilson would be a bursar (exhibitioner) of that college.

At this point begins the period of Wilson's career of which we have any direct knowledge, and which brings him before us as one whose gifts and graces gained him the confidence of the greatest persons in Church and State. At some date before 1528 we find that he has made the acquaintance of no less a personage than

¹ *De Animi Tranquillitate*, p. 250.

Cardinal Wolsey, to whose son, euphemistically designated his nephew, he is acting as tutor during his residence in Paris. From the earliest of the few letters we have from Wilson's hand we learn that in the autumn of 1528 he was residing with Wolsey at Richmond, and we may assume that previous to that date there had been more or less intercourse between them.¹ Through his association with Wolsey, Wilson would have the opportunity of knowing the leading men of the time in England, and we have it from himself that he was on familiar terms with Bishops Fisher and Gardiner, and Dr. Fox, afterwards Bishop of Hereford,² all of whom were to play their own parts in the momentous events of the next quarter of a century. A kindred spirit to Wilson would have been Sir Thomas More, but More's name does not occur in the list of eminent Englishmen with whom he was associated. Though an acceptable guest at the tables of the great, he steadfastly maintained his independence of mind. On one occasion,³ he tells us, he found that in his intercourse with a certain exalted personage he was expected to pay court to him in a fashion that compromised his self-respect, whereupon he cut the connection, though this implied the temporary sacrifice of his own fortunes. According to John Major, 'fier comme un Escossois' was a byword in France in his day, and it would seem that Wilson had his share of the national characteristic.

In 1528, when Wilson was his housemate, the fate of Wolsey was trembling in the balance. In the course of the negotiations connected with the divorce of Catherine of Arragon he had incurred the suspicions of his imperious master Henry; in 1529 came his tragic fall; and in November of the following year he died a broken man. The ruin of Wolsey involved a change in the fortunes of Wilson, but he was lucky enough to find a new patron, with whom he was to be associated for the next six or seven years. This new patron was Thomas Cromwell, formerly Wolsey's secretary, but who now took Wolsey's place in the councils of Henry. It is in a new capacity, however, that we now find our wandering Scot. From an entry in the State Papers of Henry VIII. under the date 24th May, 1530, we learn that he is again in Paris, and that Dr. Fox has been commissioned to pay him the sum of £6 13s. 4d. The money had been sent by

¹ *State Papers of Henry VIII.*, 1st October, 1528.

² He mentions his intimacy with these persons in *De Animi Tranquillitate*.

³ *De Animi Tranquillitate*, p. 235.

Cromwell, for whom Wilson was now performing certain services in Paris. What these services were appears from letters addressed by Wilson to Cromwell that have been preserved. The first letter,¹ dated 25th April, 1531, is written in English, and is the only specimen preserved of Wilson's composition in the vernacular. The letter has in parts been destroyed by fire, but enough of it has been preserved to show its general purport. The information it conveys is mainly concerned with cases of heretical preaching in France, a subject in which Cromwell would be naturally interested as bearing on his own policy towards the Church. What is more to our purpose, however, are the personal references which the letter contains. We learn from it that Wilson has a benefice in Kent, probably the gift of Cromwell, and that in his absence his duties are performed by a procurator, for whom he prays Cromwell's good offices. He had been commissioned to purchase books for Cromwell in Paris, but his purse is empty (its usual condition, he says), though he is assured by Maister Hampton that he would not lack money for anything that concerned Cromwell's interests. In the course of fifteen or sixteen days he was returning to England, when he would report the rest of his news.

What is noteworthy in this letter is the familiar tone with which he addresses the great minister, now the chief adviser of the King of England.² Evidently there had been much previous intercourse between them, and Cromwell, who was noted for his discernment of men, had seen that Wilson possessed the qualities of a useful agent. We see, therefore, the new capacity in which Wilson now found himself. He was one of those many emissaries for whom Cromwell found employment in keeping him informed of all the movements on the continent which might have a bearing on his own policy in the conduct of English affairs.

Other letters of Wilson's belonging to the same period further illustrate the nature of the business which he transacted for Cromwell in Paris. The 'Maister Hampton' just mentioned informs Cromwell that Wilson has spent ten or twelve crowns in buying books for him—a sum he was little able to spare, and which he (Hampton) had made good to him. Wilson was coming to England to look after his benefice in Kent, which is in danger of being taken from him.

¹ This letter, and another addressed to Dr. Starkey, appear in vol. i. of the *Bannatyne Miscellany*.

² In a subsequent letter Wilson apologises for the familiarity of his address.

A second letter of Wilson's to Cromwell proves that he was in complete sympathy with Cromwell's ecclesiastical policy. It is dated 19th September, 1535, by which date, it will be remembered, Henry VIII. had definitely broken with the Church of Rome, and Bishop Fisher and Sir Thomas More had been sent to the scaffold for refusing to acknowledge Henry as Head of the Church in England. The letter further shows that Wilson was known as Cromwell's accredited agent in Paris. The bearer of communications addressed to Henry from Rome had requested Wilson to supply him with credentials to Cromwell, who might secure his access to Henry. And Wilson had his own information to convey to Cromwell regarding the attitude of France towards English policy. A certain Captain Jean Borthwick (evidently a Scotsman in the service of France), who had lately come from England, had made a most favourable report of the state of that country in the presence of the King of France and his leading councillors, and urged them to stand by Henry in his quarrel with Rome. But the most interesting statement in the letter, so far as Wilson is concerned, is in its concluding sentence. 'I leave this day for Italy,' he writes, 'to see if I can gain my living in some university there.'¹ So it would appear that his connection with Cromwell had not put money in his purse.

At this period begins the part of Wilson's life which is of essential interest—the period when he comes before us as a typical scholar of the Renaissance. While resident in Paris he had had other illustrious patrons besides Cromwell, doubtless commended to them by his connection with the English government as well as by his own personal qualities. One was the Cardinal of Lorraine, brother of Mary of Lorraine, second wife of James V. The great family of Guise, to which the Cardinal belonged, had not at this time attained the ascendancy which at a later date made it supreme in the councils of France, but the high rank and ambition of its different members already gave it a foremost place in the kingdom. The Cardinal himself was one of those magnificent ecclesiastics who followed the fashion set by the churchmen of Italy of posing as a patron of learning and learned men, and on Wilson he conferred an annual pension, so intermittently paid, however, that Wilson apparently found it necessary to find a more satisfactory patron.² The scholars of the period,

¹ *State Papers of Henry VIII.* 19th Sept. 1535.

² The Cardinal of Lorraine may have been the exalted personage who exacted a subservience which Wilson resented.

it is to be remembered, saw no indignity in these relations; in their own estimation they conferred honour on the rich and great who gave them of their superfluity. Such was the plea of men like Erasmus and our own Buchanan when they appealed for pecuniary assistance to enable them to live and pursue their special studies.

Wilson's new patron was Jean du Bellay, Bishop of Paris, and one of the leading French diplomatists of the time. As du Bellay had been ambassador in England during the years following 1527, he had probably made Wilson's acquaintance in the circle of Wolsey and Cromwell.¹ When Wilson informed Cromwell that he was on the point of starting for Italy, he did not add that it was in the suite of the bishop he would accomplish the journey. Such was the case, however, and the fact need not surprise us, as it was then the custom of the great to have a scholar in their train who might entertain them with their learned conversation.² Buchanan, for example, accompanied the Maréchal de Brissac in his military campaigns, and was an honoured guest at his table.

We know that Wilson visited Italy at some period of his life, but it was not at this time. While on the road to Rome, he fell ill at Avignon and found himself in circumstances which throw a curious light on the bishop's liberality. He was not only ill, but so destitute of means that he could not even procure the common necessities of life. On his recovery he recalled a conversation he had had in the previous summer with a friend in London, who had recommended the town of Carpentras as a congenial place for quiet study.³ But there was an additional inducement that drew him to Carpentras. An important school had lately been established there, and it had come to Wilson's knowledge that the managers were looking out for a master to take charge of one of its departments. As it happened, the person who would have the chief influence in the appointment was one whose reputation as a scholar and a patron of scholars was known to all the learned world. This was Jacopo Sadoletto, Bishop of Carpentras,⁴ who on account of the elegance of his Latin style had held the post of Apostolical Secretary to two successive popes. In Sadoletto were combined a genuine piety and a cultivated taste rarely found

¹ Du Bellay was a patron of Rabelais among others.

² As we have seen, Wilson's intention was to seek some scholastic appointment in Italy. He had, therefore, no special post in du Bellay's train.

³ *State Papers of Henry VIII.*, Wilson to Dr. Starkey, 21st Nov. 1535.

⁴ Sadoletto was made a cardinal in the following year, 1536.

among the high ecclesiastics of the time. He was one of a small group of eminent churchmen who aimed at a reconciliation between Protestantism and Catholicism on the basis of a liberal religion which would preserve the unity of Christendom, and thus avert the disasters which must follow a divided authority in the Church. But our chief interest in Sadoletto in the present connection is that from his hand we have the only characterisation of Wilson which enables us to realise what manner of man he was.

On a day in November, 1535, Wilson, with recovered health, walked from Avignon to Carpentras, a distance of some twenty miles, and reached Sadoletto's episcopal palace at nightfall. In a letter of Sadoletto we have an account of the interview that followed, and the letter, be it said, is one of the most generally interesting documents of the time that have come down to us. It is a representative specimen of the epistolary style in which the humanists of the period sought to emulate Cicero and Pliny, and it breathes the very spirit of that zeal for classical antiquity which created a bond of union between the scholars of all countries. Moreover, as has been said, it presents us with a portrait of Wilson which explains what it was in him that attracted so many different types of men. The letter was written four days after the arrival of Wilson at Carpentras, and is addressed to a cousin of Sadoletto's who had been commissioned to secure a suitable person for the vacant mastership. The letter is too long to be quoted in full, but even an abridgement of it will convey its general character.

Four days ago, Sadoletto writes, he had sat down for an evening's study, when his chamberlain announced that a stranger, by his gown evidently a scholar, desired to see him. He was annoyed at being disturbed, but he ordered the visitor to be admitted. The cardinal is at once arrested by the stranger's address, and by the refinement and choiceness of his Latinity. Questions then follow. Whence did he come, where had he been educated, what was his past history? To his surprise Sadoletto learns that the stranger comes from Scotland, 'that remotest part of the earth.' His name, he learns, is Volusenus, and he had come from Avignon to Carpentras partly to make the acquaintance of Sadoletto, and partly to offer himself as a candidate for the vacant post in the school at Carpentras. Meanwhile Sadoletto is every moment becoming more and more charmed with the modesty and evident accomplishments of his visitor, and is delighted at the prospect of having such a man in his neighbourhood. On the following day he invites the magistrates of the

town to meet the stranger at dinner, when Wilson displays such gifts and graces that the magistrates there and then offer him the vacant post in their school.¹

Though introduced to his new position under such happy auspices, Wilson apparently did not find it altogether to his mind. His annual salary was a hundred gold crowns²—a sum which Sadoletto must have thought inadequate, as in the following year he besought the Cardinal of Lorraine to renew his former pension to Wilson on the ground that he was as assiduous in his studies in Carpentras as he had been in Paris.³ Moreover, the subjects Wilson had to teach—Latin grammar and the rudiments of Greek—were uncongenial to him, as his own predilection was for the study of philosophy.⁴

How long Wilson retained his post at Carpentras no authority informs us,⁵ but what further notices we have of him associate his last years not with Carpentras but with the neighbouring city of Lyons. Lyons was at this time the intellectual capital of France; from its printing-presses issued the most important publications of the day; and scholars from all countries found a society within its walls which was hardly to be found elsewhere. In Lyons Wilson must either have permanently resided, or have paid it long and frequent visits, as he was an esteemed intimate of the most distinguished men who resided there.⁶ Two references to him, which belong to this period, deserve to be quoted as showing the quality of his mind and the range of his accomplishments. One is from Conrad Gesner, whose encyclopædic knowledge gave him pre-eminence even in that age of prodigious acquirements. Gesner, who met Wilson in Lyons in 1540, describes him as being then still only a youth, and adds that from his erudition great things were expected to the benefit of all the learned.⁷ More specific as to Wilson's accomplishments is the reference of another scholar, who depicts him as having, in addition to his virtues and pleasant manners, not only a knowledge of the arts

¹ *Sadoleti Epistolarum libri sexdecim* (Lugduni, 1554), p. 657.

² In the letter just quoted Sadoletto states the salary as 100 gold crowns; Wilson in his letter to Starkey says the sum was 70 crowns.

³ *Sadoleti Epistolæ*, p. 228.

⁴ Wilson to Starkey, 21st Nov., 1535.

⁵ His death at Vienne on his journey home may imply that he had started from Carpentras, where he may have been residing.

⁶ See Buisson, *op cit.* i. pp. 35-6.

⁷ *Gesneri Bibliotheca Universalis* (Tiguri, 1545), f. 245-6.

and sciences, but also an acquaintance with six languages—among them being French, Italian, and Spanish—which he had acquired in the countries where they were spoken.¹ From these references and from other sources it is apparent that among the distinguished men in Lyons Wilson was among the most distinguished, and that his society was sought as an honour and a privilege.

The year 1546 is recorded as the date of his death. In that year he set out for his native land, which, so far as we know, he had only once visited since he had first left it. Scotland at this time was not an inviting place for men of Wilson's tastes and ways of thinking. In 1546 George Wishart was burned and Cardinal Beaton murdered, and, as affairs went in Church and State, Wilson who, as we shall see, was neither a sound Protestant nor a sound Catholic, might find himself between two fires. Before starting on his homeward journey, therefore, he consulted Sadoletto as to the course he should follow in a land so distracted by civil and religious strife. Sadoletto's advice was characteristic; the existing religious dissensions in the religious world, he wrote, were such as to try men's faith, but he recommended Wilson, as far as in him lay, to abide by the religion of his fathers and dedicate to its service the gifts which had been bestowed upon him.²

But Wilson was not destined to see his native land. On his journey home he died at Vienne on the Rhone, under what circumstances no record tells us. His death was lamented by one who, like himself, represented Scotland in the European society of letters. At some period which we cannot definitely fix, Wilson had met George Buchanan, probably in Paris, and, though their respective careers did not again bring them together, each continued to retain for the other an esteem, of which, as it happens, two memorials remain. In the library of the University of Edinburgh is preserved a Hebrew dictionary with this inscription: *Georgius Buchananus: Ex munificentia Florentii Voluseni*; and from the pen of Buchanan we have an epitaph on Wilson, the poignant brevity of which is the best evidence that it came from the heart.

Hic musis, Volusene, jaces, carissime, ripam

Ad Rhodani, terra quam procul a patria!

Hoc meruit virtus tua, tellus quae foret altrix

Virtutum, ut cineres conderet illa tuos.

¹ *Les emblèmes de Seigneur André Aliat, de nouveau translatz en François, vers pour vers, joute la diction Latine*, etc. (Lyons, 1549).

² *Sadoleti Epistolae*, p. 639.

The work which preserved Wilson's name among the learned for at least two centuries after his death was his *De Animi Tranquillitate*.¹ That it had a considerable circulation during that period is proved by the fact that it passed through four editions, the first of which appeared in 1543 and the last in 1751. The special charm it had for certain minds can easily be understood. It is written in a Latin style which, though interspersed with unclassical words and phrases, is fluent and easy, and it abounds with literary allusions which appeal to the scholar. But its chief attractiveness is in its fine vein of meditation, suggestive at once of a wide humanity, of refinement, and moral elevation, which we know to have been Wilson's characteristics. The book is written in the form of a dialogue—obviously in imitation of the philosophical dialogues of Cicero. There are three interlocutors, Wilson himself and two friends, who are represented as looking to him as their master, from whom they expect to hear words of wisdom. The scene of the conversation is a garden on the slope of a hill overlooking the town of Lyons and the surrounding country. The main intention of the book, a good-sized octavo, is to show the superiority of the Christian religion, compared with pagan philosophy, in furthering man to his highest good. At the period when the book was written, be it noted, this was not merely an academic thesis: it was an address to the times. In Italy especially, admiration for the Greek and Roman classics had gone so far that the Church itself seemed on the way to be paganised. Cardinal Bembo, one of the devotees of the ancients, warned Sadoletto against reading St. Paul's Epistles for the reason that they would corrupt his Latin style, and Erasmus expressed his fear lest Jupiter should one day be re-enthroned on the Capitoline Hill. In the exposition of his theme Wilson adopts the conventional device of a dream, in which he has a vision of two temples, one symbolising pagan philosophy, the other Christianity. In the first temple he is attended by a philosopher who expounds to him the conditions under which tranquillity is attainable by man's own unaided efforts; in the second, he has for his guide St. Paul, who convincingly shows him that, not by his own good works, but only by the grace of God,² can man attain salvation and the highest bliss. The fact

¹ It may be worth noting that a copy of *De Animi Tranquillitate*, which had belonged to Dr. Samuel Parr, was presented to the Elgin Literary and Scientific Association by Dr. Taylor in 1861. I. Taylor, *A Memoir of Florentius Volusenus*. Elgin, 1861.

² Professor Robertson Smith says that Wilson 'ultimately reaches a doctrine as to the witness of the spirit and the assurance of grace, which breaks with the

that Wilson chose St. Paul as the exponent of Christian doctrine would seem to indicate his own leanings in the great controversy between Rome and Protestantism. That he had not actually broken with the Church of Rome is proved by the fact that before starting for Scotland, as we have seen, he had consulted Sadoletto as to the course he should follow in that country. It is certain, however, that there was much in that Church with which he was out of sympathy. In his Treatise, which we are considering, he speaks scathingly of the vice and indolence of the higher clergy, and he cordially expresses his approval of certain Italian reformers who were pressing for a religious renewal virtually along the lines of Luther.¹ More significant, however, is the fact that he approved of Henry VIII.'s assumption of the Headship of the Church in England, and that, as we have seen, he actually wrote in defence of Henry's ecclesiastical policy. The truth seems to be that at the time of his death Wilson stood in the same relation to the Church as men like Erasmus and Buchanan. Both Erasmus and Buchanan were unsparing in their denunciations of its abuses, but both remained members of its communion, though in the end Buchanan went over to Protestantism. Had Wilson lived to settle in Scotland, the probability is that he would have done likewise.

From this sketch of Wilson's career, necessarily fragmentary as it is, we may yet conceive what manner of man he was. It is itself a striking tribute to his personality that he was admitted to intimacy with the first men of the age—men who were fashioning the destinies of kingdoms. That he should have commended himself to men so different as Wolsey, Cromwell, Fisher, the Cardinal of Lorraine, and Cardinal Sadoletto, is conclusive proof of the breadth of his interests, of his practical sagacity, of his tact in the ways of the world. But Wilson found his most congenial society, not among statesmen and diplomatists, but among men whose main concern was to make prevail that ideal of a *pietas litterata*, a cultured piety, which should combine the essential teaching of Christianity with the free outlook on life of classical antiquity. By his elevation of mind, his various accomplishments, and his gift of persuasion, Wilson was a natural leader in such a society. If we look for a kindred spirit among his

traditional Christianity of his time, and contains ethical motives akin to, though not identical with, those of the German Reformation.' (Article on Wilson in the *Encyclopædia Britannica*.)

¹ *De Animi Tranquillitate*, pp. 3, 5, 242.

countrymen, we may find him in Archbishop Leighton, that 'Christianised Plato,' as Coleridge calls him. In Leighton's discourses delivered as Principal of the University of Edinburgh, we have the same richness of classical culture in a mind 'naturally Christian,' the same spirit of renouncement, which yet did not preclude an active, practical beneficence. Leighton's lot was cast on a time which demanded a more strenuous nature than his, and had Wilson lived to return to his native country, his lot would have been similar. In the civil and religious dissensions which then distracted Scotland, his quietism, like that of Leighton, might have been found an unseasonable virtue. As it was, he was spared the stern test, and he comes before us as one of the select spirits of his nation, somewhat veiled from our gaze, but with lineaments sufficiently distinguishable to justify us in paying tribute to him, as one who in his generation stood for the best that men then felt and knew.

P. HUME BROWN.

Authorship of the Chronicle of Lanercost¹

THE authorship of the Chronicle of Lanercost, when the manuscript first came within the cognisance of literary men, was unhesitatingly ascribed to the canons of the house which bears its name, and such origin does not appear to have been doubted till the transcript in the Cotton collection was printed in 1839 as a joint-production of the Bannatyne and Maitland Clubs under the care of the Rev. Joseph Stevenson.

Nothing is known of the history of the manuscript of the Chronicle (Cotton MS. Claudius, D. vii.) before the sixteenth century, when it came into the possession of Sir Henry Savile, who published his *Scriptores post Bedam* in 1596. There is little doubt that the manuscript belonged to him before it passed into the collection of Sir Robert Cotton. Not only is there a printed label bearing Sir Henry's name pasted on the fly-leaf, but traces of perusal by him may be ascertained from annotations in the margin. For example, the phrase 'in comitatu Roberti de Sabuil' on folio 97 is underlined in the text, and a note is placed in the margin to call attention to the early occurrence of the name. Indications are not wanting on several folios that the manuscript was used by students and that attempts were made to disclose the constituent parts of the compilation.

The whole manuscript, which is bound in one volume, comprises 242 vellum leaves or 484 folios, arranged in double column and written in a hand apparently of the fourteenth or early fifteenth century. There is some evidence that the hand varies, but not perhaps more than may be ascribed to different sessions by the same writer. In the later portions of the manuscript, say from folio 66, which represents the year 1181, a new style of rubric and illumination begins. Perhaps a uniform style should not be assumed for any large sections of the narrative. The

¹ The references in footnotes, when not otherwise stated, apply to the pages of Sir Herbert Maxwell's forthcoming volume of this translation, of which I have seen a proof copy.

scribe did not always finish his folio before commencing the next. Several columns are blank, occasionally a whole folio. In one instance at least, he had just commenced a new folio (fol. 101) under the year 1190, but before he had proceeded far down the first column and had written 'Deinde Rex Anglie,' he stopped and commenced a new folio with the same words. When he had reached folio 21^b, the end of the introductory portions, he laid down his pen with the pious sentiment, 'finito libro benedicamus Domino,' leaving a whole leaf blank before he resumed. The abrupt ending of the manuscript has tempted some late student to remark that 'videtur hoc exemplar esse imperfectum.' It may be added that he was not the last to hold a similar opinion.

Students of the manuscript were under no delusion about its authorship. In various places the legend 'historia canonici de Lanercost in comitatu Northumbrie' is met with, which may be taken as the unauthorised interpolation of the reader. The owners, however, may be justly regarded as responsible for the index and table of contents, though not made at the same date or by the same person. The 'elenchus contentorum' appears to be the earlier. Referring to the beginning of the continuous narrative on folio 23, apart from the fragments with which the Chronicle is prefaced, we have 'Larga Anglie historia composita per canonicum de Lanercost in comitatu Northumbrie que descendit ad tempora Edwardi tertii.' The ignorance of the geography of Cumberland, which placed Lanercost in the neighbouring county, is very welcome, inasmuch as it shows that the compiler of the *elenchus* was not a local antiquary prejudiced in favour of the Lanercost authorship.

It is different, however, with the index at the end of the volume, the writing of which appears to be in a later hand, perhaps about the close of the seventeenth century. The compiler of the index was not only a north-countryman interested in northern history, but he held decided views on the authorship. In fact, the index was made for the sole use of historical students of the Border counties, but especially of the county of Cumberland. It embodies the principal local references, notably those relating to the priory of Lanercost and the barony of Gillesland, with very little reference to occurrences elsewhere except when they affected that neighbourhood. The index is entitled, 'Ex manuscripto per quemdam canonicum de Lanercost infra baroniam de Gillisland in comitatu Cumbrie composita.' In referring the reader to the visitation of the priory of Lanercost by the Bishop of Carlisle in

1281, which will be discussed presently, the index-maker remarked that 'constat fol. 206 authorem libri esse canonicum de Lanercost.' The compiler of this addition to the volume appears to have had no doubt about the authorship.

The first writer who printed portions of the manuscript, so far as we have ascertained, was Henry Wharton, librarian at Lambeth, who extracted from it the references to Bishop Grosteste of Lincoln, and published them in 1691 in the *Anglia Sacra* (ii. 341-3). The heading of the chapter indicates Wharton's view of the authorship: 'Vita Roberti Grosthed, ex Annalibus de Lanercost, in Bibliotheca Cottoniana, Claudius D. 7.' But in the preface he has given a more positive opinion. 'Among the unprinted chronicles,' he says,¹ 'the author of the Annals of Lanercost has commemorated (*celebravit*) Bishop Robert the most fully: I have therefore appended his account of Robert's life. The Annals of Lanercost are extant from the coming of the Saxons to the year 1347, exceedingly copious (*valde prolixi*), in the Cotton Library. The monastery of Lanercost is situated in the county of Cumberland near the borders of Scotland. Its annals were written by several persons in succession, as appears at the year 1245, where the writer states that he had committed to the earth the Elect of Glasgow.'

The value of the compilation was known to Dr. William Nicolson, Bishop of Carlisle (1702-1718), whose literary activities entitle him to rank among the laborious scholars who adorned the age in which he lived. Writing with his customary precision in 1708, he referred to 'the jingling rhyme on the building of the Roman Wall in the Chronicle of Lanercost² (MS. in Bibl. Cott. Claudius D. vii. fol. 14^a,)' and spoke of 'the learned Canon Regular who was the author of the Chronicle.' The same prelate had no misgivings about the authorship in 1713, when he urged Humfrey Wanley, the famous librarian of the Earl of Oxford,³ to publish 'a Chronicle by some of the Canons of Lanercost in this diocese,' a manuscript 'in the Cotton Library, Claudius, D. vii.' It was probably owing to the well-deserved reputation of Bishop Nicolson as a scholar of exceptional critical ability that the authorship had not been called in question till the publication of the manuscript by the Scottish Clubs.

Planta, when making a catalogue of the Cottonian collection in

¹ *Anglia Sacra*, ii. pref. xvii.

² *Stukeley's Diaries and Letters* (Surtees Soc.), ii. 62.

³ *Chron. de Lanercost*, pp. xv-xviii.

1801 for the Record Commission, accepted the traditional authorship without demur. His account of the contents of the Chronicle is taken almost wholly from the *elenchus contentorum* of the Cotton manuscript. The introductory fragments are resolved into nine sections, which take up the first 21 folios of the manuscript, as already noticed. The Chronicle itself, beginning on folio 23, is described¹ as 'a history of the affairs of the kings of the Britons and the English from Cassibelanus to 1346, extracted by a canon of Lanercost in the county of Cumberland from William of Malmesbury, Henry archdeacon of Hereford, Gildas, Geoffrey of Monmouth and Helinand.' Though we cannot accept the sources here indicated, the statement is useful as expressing the opinion of the authorities of the Record Commission on the authorship in 1801. It was not till Stevenson had printed the manuscript that the origin of the Chronicle was ascribed to a Minorite friar of Carlisle.

As the manuscript bears no title, and as nothing is known of its early history, a discussion of the probable authorship must rest wholly on internal evidence. But it is difficult to make an exposition of the evidences intelligible to students of the printed text, owing to Stevenson's treatment of the manuscript. He regarded the portion issued by the Scottish² Clubs 'as a continuation to the Annals of Roger of Hoveden, beginning where the work of that writer terminates without a break of any description.' For this reason he started his edition of the Chronicle on folio 172^b in the middle of the column, where the transcriber or author left no mark to indicate a new work. Opinions may differ on the wisdom of such a step, but no authority for the arbitrary division is recognised in the manuscript. For our own part, we prefer the statement of Bishop Stubbs³ that a copy of Hoveden was 'used as the basis of the Lanercost Chronicle,' that is, of the unprinted portion embracing folios 23-172. Students of the manuscript will agree with the Bishop rather than with the Editor.

Though the question of sources does not arise, it may be permissible to notice a few incidents in order to show the author's historical equipment independent of his use of the exemplars he had before him. Few of the chroniclers, except the historians of Hexham, mention the battle of Clitheroe in 1138 and the subsequent proceedings at Carlisle for the alleviation of the atrocities

¹ *Catalogue of the MSS. in the Cottonian Library*, p. 197.

² *Chronicon de Lanercost*, p. iii.

³ Roger de Hoveden (R.S.), i. pref. lxxxiii.

of warfare. Certainly Hoveden has left these matters unrecorded. But our author on folio 60^b has meditated on that period to some purpose. 'William, son of Duncan, nephew of King David,' he narrates, 'vanquished the English army in Craven at Clitheroe, slaying very many and taking numerous prisoners. At the same time Alberic, a monk of Cluny, then Bishop of Ostia and Legate of the Apostolic See, who had been sent by Pope Innocent to England and Scotland, came to King David at Carlisle and reconciled (*pacificavit*) Bishop Adelulf to King David and restored him to his own (*proprie*) See, as also John Bishop of Glasgow. In addition he obtained from King David that in the feast of St. Martin they should bring all the English prisoners to Carlisle and there give them their freedom. When this was done that city was not inappropriately called *Cardolium*, which means *carens dolore*, because there *captivitas Anglorum caruit dolore*.' If this account is laid alongside what is known from other sources of the incidents of 1138, it will be observed how little the author followed the textual phraseology of the Hexham writers.¹ The etymological adaptation of *Cardolium* to suit the happy incident appears to be quite new to history.

Another passage, indicative of his independence of Hoveden, raises a question of considerable interest in the literary history of England and Scotland. So important is the text that it must be reproduced in the original.

Eodem anno, videlicet, anno domini m^o c^o ij^o, Rex Henricus primus, ut dicitur, per consilium et industriam Matildis regine, constituit canonicos regulares in ecclesia Karleolensi. Quidam vero presbiter, ad conquestum Anglie cum Willelmo Bastardo veniens, hanc ecclesiam et alias plures et aliquas villas circumiacentes, pro rebus viriliter peractis, a rege Willelmo in sua susceperat, Walterus nomine. Henricus [episcopatum²] sancte Marie Karleolensis fundavit et non multo post in pace quievit. Cuius terras et possessiones Rex Henricus dedit canonicis [Rex H. *underlined for deletion*] regularibus et priorem eorum primum Adelwaldum, iuvenem quidem etate sed moribus senem, priorem sancti Oswaldi de Nosles constituit, quem postea corrupte Adulfum vocabant.

It is true that this statement is made in the form of a note at the bottom of folio 58^a, but it is not the interpolation of a sub-

¹ *Priory of Hexham* (Surtees Soc.), i. 82-3, 98-9, 117-21.

² There has been an erasure here in a very contracted text, but perhaps of only one letter. A late hand has interlined *ecclesiam*. As the bishopric was founded only a few years before King Henry's death, *episcopatum* was probably in the scribe's mind. The sentence has been misplaced: it should have been written at the end of the passage.

sequent writer. The note is introduced in the same hand and with the same ink as the text in a place reserved for it. The position on the folio only shows that the statement was not in the exemplar the scribe was following for that portion of the narrative. Its resemblance to the famous passage¹ in the *Scotichronicon* (i. 289) on the foundation of the priory of Carlisle will be recognised.

Other passages in the manuscript tell the same tale. The compressed account on folio 51^a of William the Conqueror's visit to Durham, his foundation of the castle there, his attempted profanation of the tomb of St. Cuthbert, and his meticulous flight beyond the Tese, shows indebtedness to Simeon of Durham as well as to Hoveden. It is not necessary to multiply proofs of Bishop Stubbs' statement that the earlier portion of the manuscript is based on the Chronicle of Roger of Hoveden, and not a mere continuation of it, as Stevenson has suggested. In not a few instances the author has shown his independence by addition, omission, and compression.²

That Hoveden was the basis of the compilation for the twelfth century every student of the manuscript will acknowledge. From this circumstance alone we get an important sidelight on the authorship. It is stated in the manuscript on folio 103, under the year 1190, that David, brother of William King of Scotland, married *blank*, sister of Ranulf earl of Chester, and on folio 157 in the list of the bishops assembled in London in 1199 occurs the name of *blank*, Archbishop of Ragusa. Thanks to the masterly collation of the Hoveden manuscripts by Bishop Stubbs, we can identify from *lacunae* like these the actual text of Hoveden that the author of our chronicle had before him. It was the Laudian copy now in the Bodleian, where alone these two omissions in the same manuscript are found. The interest, however, is not

¹ If Abbot Bower of Inchcolm added this note to Fordun's work, as it is generally believed, from what source is it likely that the superior of a Scottish Augustinian house should have obtained such local information? The statement in the *Scotichronicon* that the priory of Carlisle was founded in 1102 was supposed to be unsupported till within recent years. It has now the countenance of an English as well as a French Chronicle. See *Hist. MSS. Com. Report*, vi. 354.

² The same discretion, used by the author when dealing with the Chronicle of Melrose as his exemplar, will be observed if a collation is made of the early pages of Stevenson's printed text with the corresponding passages of that chronicle. The author appropriated whole slices of the Chronicle of Melrose when they suited his purpose. He did the same with Hoveden for the twelfth century, but perhaps with more frequency and freedom.

confined to this point. The Laudian copy has on its fly leaves transcripts of four documents, all relating to Carlisle. These show, as Bishop Stubbs¹ remarked, that the manuscript 'was at one time, and that probably a very long time, in possession of either the city or the Bishop of Carlisle.' But as one of these deeds is a letter from Henry VI. to Bishop Lumley, dated 23rd November, 1436, 'de custodia ville et castri Karlioli,' we need have no hesitation in ascribing the ownership of the manuscript to that prelate, who was then warden of the Western March. It probably formed part of the episcopal library at Rose Castle. The deeds of this nature, inserted in it, just cover the period of the episcopal residence there up to Bishop Lumley's day. This identification, so far as our inquiry is concerned, localizes the production of our chronicle to the district of Carlisle,² the area of the bishop's jurisdiction.

Turning now to Stevenson's printed text, and especially to that portion of it translated by Sir Herbert Maxwell, when we are approaching the *floruit* of the author, no reader can help feeling that, like works of this nature, the Chronicle is a compilation from various sources, and that the materials, which make up the narrative, are of unequal historical value. It cannot be said that the compiler was a skilled artist in the use of his sources. There is no attempt to write continuous history, though a fair semblance of chronological arrangement has been maintained. Duplicate entries are frequent, many of which have been pointed out by the translator, and need not be repeated here. This repetition is evidence enough, if nothing else existed, that the Chronicle at this period was a sort of journal or literary scrap-book for the purpose of jotting down historical events as information had reached the authorities. An entry was made from perhaps imperfect knowledge, either from a written source or oral intelligence: later details arrived or a fuller account was found, and a more extended record of the incident was afterwards made without expunging the previous entry. In most of the duplicate passages

¹ Roger de Hoveden (R.S.), i. pref. pp. lxxiv-lxxx.

² But it does far more than this. The scholar, who undertakes to identify the sources of the chronicle on the lines of those issued in the Rolls Series, will have to define its relationship to the *Cronica de Karleolo*, compiled for Edward I. in 1291 by the canons of Carlisle, as well as to Bishop Lumley's copy of Hoveden. It will be an interesting study, and will result in the probable discovery that the Carlisle copy of Hoveden was lent to the canons of Carlisle in 1291, as well as to the canons of Lanercost.

it will be found that the second carries with it more particulars than the first.

The method of the compiler comes into view in the manipulation of his sources about 1290. In dealing with the plutocrat¹ of Milan, 'it pleases me,' he says, 'to add in this place what ought to have found a convenient place in the beginning of the eighth part, forasmuch as it happened at that time, although I did not receive timely notice of this matter.' Passages of this sort furnish some evidence that the work was not undertaken and carried out by the same person at the period in which the story draws to a close. But if the printed portion of the Chronicle was mainly compiled from written sources, to which assumption there is much antagonistic evidence, the duplicate passages offer indubitable proof of the writer's unskilfulness in his craft.

There is strong reason for believing that the body of the Chronicle was not put together in or after 1346. In various passages noticed by the translator, contemporary allusions are made at long distant periods quite incompatible with a single authorship after the close of the work. A few instances must suffice. Under 1293 there is recorded a story² from Wells about 'what I know to have happened nine years ago' to a prebendary of that church. 'This event,' the chronicler relates, 'took place in the year (19 March, 1285-6) when Alexander, King of Scotland, departed this life, and was told to our congregation by a brother who at that time belonged to the convent of Bristol.' There is no reasonable doubt that the entry was made in the year to which it refers when the story came to hand. Another incident, not included in this translation, is equally conclusive. It is well known³ that Nicholas of Moffat was made archdeacon of Teviotdale in 1245, and though twice elected Bishop of Glasgow he died unconsecrated in 1270. With this neglected churchman the author of this portion of the Chronicle was so familiar, that he says he officiated at his funeral.⁴ Contemporaneous allusions like these go a long way to show that the compilation was built up continuously, period by period, and cannot be the work of a single compiler in the middle of the fourteenth century.

But it is not so easy to form a definite opinion of the nature of the institution responsible for the continuous production of such a work. It seems to be agreed that the Chronicle emanated from some religious house on the English side of the Border. The tone

¹ P. 67.

² Pp. 101-102.

³ Dowden, *Bishops of Scotland*, pp. 304-6.

⁴ *Chron. de Lanercost*, p. 53.

of the composition in its acrimonious hostility to Scottish interests betrays its English origin : the historical setting of the narrative is similarly conclusive of its localisation to the Border counties. The ecclesiastical colour of the incidents cannot be mistaken : the lightning of the churchman coruscates on every page. As these general considerations will be conceded, the difficulty lies in the identification of the particular religious house in which the work was done.

It was a bold and praiseworthy venture of Stevenson to cut himself adrift from the traditional view that the Chronicle emanated from the priory of Lanercost, and to suggest the Greyfriar House in Carlisle as the more probable source. With much acumen has he marshalled his evidence, and with all the moderation of conviction has he defended his own discovery. Without going over in detail the formidable list of evidences in support of the Minorite authorship, it may be here acknowledged that no critical student can fail to be impressed with the cogency of his arguments. The narrative bristles with the exploits and virtues of the Friars Minor. One would think that it was specially composed in glorification of that Order. — The passages are too numerous for special discussion: they are all of the same character: on every occasion, in season and out of season, the merits of the brothers of St. Francis are lauded to the skies.

While this much is admitted without reserve, the weak side of Stevenson's proposition, as it would seem, presents itself when he attempts to identify the Franciscan habitation in which he locates the Chronicle. If the work is due to Minorite authorship, internal evidence gives little encouragement to make Carlisle the headquarters of the particular congregation that gave it birth. So much of the narrative is taken up with affairs, political and ecclesiastical, in the neighbourhood of that city, that the editor was constrained, as it may be permissible to believe, to fix on that place, in spite of the evidence, as the local habitation. The overwhelming evidence for a Greyfriar authorship is more conclusively in favour of Berwick than of Carlisle.

It will be observed that the references to this Mendicant Order are for the most part very general. News about the Order came from all points of the compass in the shape of prattle and legend : in very few instances can it be said to be local. When local news protrudes itself, the scene is at Berwick or elsewhere, not at Carlisle. Some specific instances of the compiler's connexion

with Berwick are very striking. In his vision¹ after Mass on the Lord's Day in 1296, 'as I was composing my limbs to rest,' he saw an angel with a drawn sword, 'brandishing it against the bookcase in the library, where the books of the friars were stored, indicating by this gesture that which afterwards I saw with my eyes, viz. the nefarious pillaging, incredibly swift, of the books, vestments and materials of the friars.'

At the following Easter King Edward sacked Berwick, when a most circumstantial account is given of the siege and slaughter. 'I myself,' the chronicler² adds, 'beheld an immense number of men told off to bury the bodies of the fallen.' The description of the siege of Berwick by Bruce in 1312 is equally personal and explicit. It is unmistakably the account of an eye-witness. The Scottish scaling-ladders, he says,³ were of wonderful construction, 'as I myself, who write these lines, beheld with my own eyes.' Personal testimony⁴ is again advanced in the description of the battle at the same town in 1333. If the authorship is exclusively the work of the Minorites, its localisation, on the face of the evidence, must be transferred from Carlisle to Berwick. The former place supplies no local or personal touches to the narrative beyond a few isolated facts, with little bearing on the authorship, which can be explained in another way.

But a new order of things is introduced when we approach the local affairs of the priory of Lanercost. Their prominence in the Chronicle after 1280 can scarcely be explained without assuming that the author or successive authors were connected with the house, or had some annals or domestic memoranda of the institution at hand. The internal affairs of the priory loom largely in the narrative. It is not merely great events touching the place, like those of Berwick, that are recorded, events known to fame and of general interest, but the local colour is more clearly manifested by incidental remarks, quite undesigned, let fall as it were by chance, known to very few and of no particular concern, which betray the locality. No external writer could be the mouthpiece of such minute intelligence, nor is it likely, had it come to his knowledge, that he would have thought it worthy of record. Some of these incidental allusions will be noticed later on.

Without following Stevenson throughout his category of allusions to Lanercost, it may be here said that the influence of the canons on the authorship is not to be estimated by a single incident or a number of incidents of a general nature, but by the

¹ *Chron. de Lanercost*, pp. 132-3. ² Pp. 134-5. ³ P. 201. ⁴ Pp. 278-80.

particular attention which the compiler or compilers gave to that house as compared with similar institutions or localities in the Border district. No other place or immediate neighbourhood has had the same search-light from the author's pen thrown upon it. One of these incidents evidently puzzled Stevenson, and though he tried valiantly to make it fit his hypothesis, it must be acknowledged that he has grievously failed. The year 1280-81 was memorable in the annals of the house. It signalled a victory for the canons in the local baronial court: witnessed a gracious visit of King Edward and Queen Eleanor: and brought Ralf of Ireton, the new Bishop of Carlisle, on a visitation of the priory. In the record of these events we have, it is true, no gushing or embroidered narrative, but we have particulars in abundance to connote the interested spectator. The very day on which the local court declared the immunity of the canons from manorial taxation is recorded:¹ the canonical dress of the prior and his brethren, when the royal party was received at the gate of the priory, and the nature of the royal bounty are duly described. The contents of the King's game-bag, which helped to get Stevenson out of his difficulty, need give no trouble. It was naturally recorded on hearsay evidence, and was thrown in with the account of the royal visit on the gossip of the community.

The Bishop's visitation of the convent has even more personal notice. It took place on 22 March, 1281: he was met at the gate like the King and Queen: he first gave the benediction and then the kiss of peace to all the brethren: after his hand had been first kissed he gave them a kiss on the lips. Then the Bishop entered the chapter-house and preached: the very text of his discourse has been preserved. At the conclusion of the sermon, he proceeded with his visitation, the object of his presence there, 'in which we were compelled (*coacti sumus*),' says² the narrator, 'to accept new constitutions.' It is only candour to say that Stevenson misunderstood the procedure of an episcopal visitation of an Augustinian house. It had nothing to do with a general visitation of the diocese. It was when the preaching was ended that the visitation began—inquiry into the mode of doing divine service, ministrations in their parochial churches, their conduct of the secular affairs of the community, the hearing of complaints and the adjusting of irregularities. Other visitations of Lanercost are on record, and the mode of procedure is well known. The graphic touches of the simple narrative could only come from one

¹ *Chron. de Lanercost*, pp. 23-4.

² P. 25.

who took part in the function and who could describe its successive phases with ceremonial exactness.

On the previous page of the printed book, but on the same folio of the manuscript, another personal allusion, overlooked by Stevenson, is equally conclusive against Minorite authorship. On 24 October, 1280, the narrator¹ tells that 'a convocation was held in Carlisle Cathedral by Bishop Ralf, and a tenth of the churches was granted to him by the clergy for two years according to the true valuation, to be paid in the new money within a year: wherefore we paid (*solvimus*) him in all twenty-four pounds.' The writer of this passage was clearly subject to ecclesiastical taxation, whereas the friars, having no material resources except the actual buildings they inhabited, were exempt from episcopal subsidies and all kinds of assessment. It was different with the canons, who bore their share of such impositions in common with the parochial clergy. The special assessment here mentioned was a subsidy granted to an incoming Bishop by the clergy, parochial and collegiate, of his diocese. The poet of the Chronicle gave vent to his feelings about the exaction in pungent metre:

Poor sheep, bereft of ghostly father,
Should not be shorn: but pampered rather.
Poor sheep! with cares already worn,
You should be comforted, not shorn.
But if the shepherd must have wool,
He should be tender, just and cool.²

If the amount of the subsidy be compared with the value of the revenues of Lanercost, as assessed for taxation ten years³ afterwards, no doubt will be entertained that the *solvimus* of the record exactly tallies with the taxable capacity of the canons of that house.

Though Stevenson was sincere in his exposition of the Lanercost evidence,⁴ and enumerated some of the most conspicuous allusions to it in the Chronicle, he has omitted one of the most important,

¹ P. 23.

² Pp. 23-4.

³ *Taxatio Ecclesiastica* (Rec. Com.), pp. 318-20.

⁴ In fact, Stevenson missed the significance of all the Lanercost allusions. For example, the chronicler has much to say about Macdoual's doings in Galloway in 1307, including the capture of Bruce's two brothers and the decapitation of the Irish kinglet and the lord of Cantyre, and the sending of the spoils, quick and dead, to King Edward at Lanercost. But he did not tell that the spoils were first exhibited to the Prince of Wales, then sojourning at Wetheral near Carlisle, on their gruesome pilgrimage to the King (*Register of Wetherhal*, p. 402, ed. J. E. Prescott). The inference is obvious.

as evidential of the interested onlooker, the account of the pillage of the priory by King David *cum diabolo* in 1346, the year in which the Chronicle ends. The touch of personal indignation in his description of the Scottish King is only of a piece with the account of the arrogance of his soldiery in the devastation of the sanctuary: they threw out the vessels of the church, plundered the treasury, smashed the doors, stole the jewels and annihilated everything they could lay hands on.¹

It is not, however, in the record of great events, likely to attract general attention, but in the trifles of language and incident, where the student will find his embarrassment if he quarrels with the traditional authorship. The phraseology touching Lanercost, from its first introduction to its last mention, presupposes the local resident. One word only is used to designate a journey to that place. In 1280 King Edward and Queen Eleanor came (*venerunt*) to Lanercost: in 1281 Bishop Ireton came (*venit*): in 1306 King Edward came (*venit*): in 1311 King Robert came (*venit*) with a great army: and in 1346 King David and his rascal rout came (*venerunt*) to the priory of Lanercost and went off (*exierunt*) by way of Naworth Castle. Though the narrator is liberal in his use of the word in expressing locomotion, he frequently interlards the usage with 'went' (*adivit*) or 'passed' (*transivit*) in respect of other places. But so far as Lanercost is concerned there is no variation: always *came*, never *went*, as if the author was resident there.

The migration of brothers from one house to another, an incident of infinitesimal interest outside an ecclesiastical enclosure, is not without instruction. The house from which the brother was transferred is never mentioned. The reticence is such as might be expected if the narrator was an inmate. In all cases, so far as we have observed, intercommunication was restricted to Augustinian communities. Nicholas of Carlisle was sent in 1281 to reside at Gisburn² and became an inmate (*professus est*) there. Incidental allusion to another migration is more significant still. In 1288 we are told that brother N. de Mor received the canonical habit, and in 1307 that he was sent by the Queen to Oseney, another Augustinian house.³ But it is not stated in what house he took the canon's profession nor from what house he was transferred to Oseney. The nature of the profession, however, predicates the canon and not the friar. But when we know that Queen Margaret spent quite half of the latter year at Lanercost, the veil falls from

¹ *Chron. de Lanercost*, p. 332.

² P. 28.

³ Pp. 55, 181.

the transaction. Similar mystery hangs over the conventual apostasy of John of Newcastle, who took the monastic habit in the neighbouring Cistercian house of Holmcultram. In this instance there is no mention of transference, but the renunciation of his first vows brought forth the contemptuous gibe of the Lanercost poet, that

With altered habit, habits too must alter,
Much need that John with sin no more should palter.
Unless to mend his ways he doth not fail,
White gown and snowy cowl will nought avail.¹

Isolated incidents like these are eloquent of the local chronicler and his mode of record. His familiarity, too, with occurrences in the Austin houses of Gisburn, Oseney, Hexham, and Markby points in the same direction.

The poet of the Chronicle deserves honourable mention. His effusions, always diverting, if not always in the best of metre, are quoted under the name of Brother H., or Henry, or Henry de Burgo. Few readers will gainsay the suggestion that he was first canon and afterwards prior of Lanercost. In 1287 William Grynerig came to live in the community (*inter nos*), and his habits as a vegetarian were a source of perplexity to the house. Brother Henry hit off the situation thus :

You may not seek a canon's dress to wear
Who cannot feed yourself on common fare.²

The poet let the cat out of the bag when he revealed the *vestis canonicalis* employed *inter nos* : a friar did not wear the canonical habit. Perhaps the most striking of the undesigned coincidences supplied by Henry's muse in favour of Lanercost occurs in his use of the word *garcifer* to express a youth. The chronicler in the same folio uses *garcio* and *garcifer*, which Sir Herbert Maxwell distinguishes in his translation as *page* and *young fellow* ; but it was *garcifer* that Brother Henry adopted for his verse. It is a singular coincidence, as showing the currency of this rare word among the canons of Lanercost, the chartulary of whose house abounds in rare words, that shortly before 1280, when William *garcifer* was slain on one of his moonlight expeditions, the same word was used by one of the canons of that house in his sworn depositions touching a local dispute. Richard, the cook of Lanercost, alleged on oath that a *garcifer* in the kitchen, afterwards chief cook, had oftentimes gone with the canons to the vale

¹ P. 28.

² P. 52.

of Gelt to receive the disputed tithes.¹ If this is a mere linguistic coincidence, accidents of this kind seem only to happen at Lanercost.

In 1300 Henry de Burgo, canon of Lanercost, was the bearer of a gift from Edward I. to the high altar of that church²: on 14 March, 1303-4, Henry, canon of Lanercost, appeared as proctor for his house in an act before Archdeacon Peter de Insula of Carlisle³: he was elected prior about 1310, and died in 1315.⁴ As Henry rose in favour among his brethren, and as years lent gravity to his demeanour, it may be permissible to assume that his versification took a similar turn. His rhymes between 1280 and 1290 may be regarded as his best for piquancy and fun. After his elevation to the priorate, verses in his name cease in the Chronicle, and verses with any pretension to local colour vanish altogether after his death.

No discussion of authorship would be complete without reference to the prominence in the Chronicle given to the lords of Gillesland. No franchise, ecclesiastical or secular, receives such attention. In fact the descent of the lordship in the family of Multon is not only unique in the territorial history of the Border counties, but it is singularly accurate. No other lordship has mention of its successive owners. This feature is so obvious that it needs no elaboration. It is odd that Stevenson should have singled out one of those references as incompatible with the Lanercost authorship, whereas the very mention of a paltry suit⁵ in the court of Irthington, the capital messuage of Gillesland in 1280, would seem to suggest the opposite. Though the local verdict was of immense interest to the canons, a glorification of the victory over their neighbour and patron, which Stevenson expected, would have been imprudent, not to say dangerous, if the record had ever met his eye. The canons of Lanercost were well aware of the power of their patrons over them, as we know from the history of that house.

From another quarter a charge of inaccuracy has been brought against the chronicler for his account of the territorial descent of Gillesland. In the same year, we are told,⁶ died 'Thomas de Multona secundus,' then lord of Holbeach. It is unlikely, says

¹ Chartulary of Lanercost, MS. xiii. 10.

² *Liber Quot. Garder.* (Soc. of Antiq.), p. 40.

³ Chartulary of Lanercost, MS. xiv. 11.

⁴ P. 216.

⁵ P. 23.

⁶ P. 111.

the objector, that a canon of Lanercost should have fallen into this mistake, as the Thomas de Multon, who died at that time, was the third and not the second who was lord of Gillesland. The objection wholly fails, inasmuch as the Thomas de Multon, who came between the Thomas *primus* and the Thomas *secundus* in the family tree, was never lord of Gillesland at all, his mother, through whom the barony came to that family, having outlived him.¹ Misinterpretation of disjointed entries in this Chronicle has led to much confused chronology. The account² of the espousal of the heiress of the last of the Multons in 1313 and her subsequent rape from the castle of Warwick by the first of the Dacres of Gillesland is so picturesque in detail that scholars have worried themselves over the exact meaning of some of its phraseology.

How came the Chronicle to be so full of Lincolnshire news? After describing the avarice of the canons of Markby in 1289, some features of which he had hesitation to explain in detail, the narrator states that he was unwilling to believe the story till he had the particulars from the lips of a nobleman³ who lived not more than three miles from the place under discussion. Who was this nobleman? Can there be a doubt that Thomas de Multon, lord of Holbeach, who lived in that neighbourhood, was retailer of the news? In keeping with this we have the accounts of sundry occurrences in Lincolnshire, some of them of little interest beyond the ambit of the county, the communication of which may be ascribed to that family.

In holding an even balance between the rival claims to authorship, the geographical and business relationships of Lanercost should not be omitted. The situation was on one of the highways between England and Scotland. To this circumstance alone may be ascribed many of the sufferings it endured. There was no religious house in Cumberland that was more frequently burned by the Scots, and no district that underwent more pillage than Gillesland. In times of peace Scotsmen came into England by the Maiden Way, the old Roman highway from Roxburgh to Cumberland and the valley of the Eden, for the purpose of trade, as did Fighting Charlie in the days of the Wizard of the North. In recording one of these raids, the chronicler shows how much Lanercost occupied his mind when he tells that the Scots passed near the priory of Lanercost on their return to Scotland.⁴

¹ Fine Roll, 12 Edw. I. m. 11.

² P. 205.

³ Pp. 56-8.

⁴ P. 211.

By reason of its business connexions the house had unrivalled opportunities for gathering news relating to the Border districts. Apart from the advantages of its geographical situation, the canons had property in Carlisle, Dumfries, Hexham, Newcastle, and Mitford near Morpeth. From 1202 they were obliged to attend the yearly fair of Roxburgh on St James' Day to pay a pension to the monks of Kelso, issuing from the church of Lazonby, in Cumberland, in which they had a joint interest. Some of their property in Carlisle and Newcastle, not to speak of Dumfries, lay alongside the friaries of the Minorites in these towns. The direct road from Lanercost to Berwick, a town which figures largely in the narrative, passed near Roxburgh and through Kelso,¹ and if a return journey was made to visit their Northumberland estates, Berwick would inevitably be a halting-place. It will be seen, therefore, that within the area of the Lanercost connexions many of the scenes depicted in the printed portion of the Chronicle took place.

If it be admitted that the Chronicle bears evidence of continuous production as the work of more than one author, the presumptions in favour of Lanercost are difficult to set aside. The canon of an Augustinian priory belonged to his house: he was the member of a corporation with historic succession: like a family, his house inherited ancestral traditions. If attachment to the house of his profession was a feature of his rule, the direct opposite was the characteristic of the friar's calling. The friar did not belong to a house: local detachment was his glory: his individuality was lost in his province. He was a wanderer, a sort of parochial assistant, who went about from place to place under the Bishop's licence to give clerical help where required. Like John Wesley in his palmy days, the friar was incapable of localisation: the world was his parish. In addition, the Austin canons in the North of England had a well-deserved reputation as patrons of learning and students of history, for which their constitution well fitted them. Nearly half of their houses in the North produced chronicles, the value of which is appreciated at the present day. Who is not acquainted with the work of John and Richard of Hexham, Alan Frisington of Carlisle, William of Newburgh, Peter Langtoft, Walter of Hemingburgh, John of Bridlington, Stephen Edeson of Wartre, Walter Hilton of Thurgarton, George Ripley, and Robert the Scribe, scholars who shed lustre on the Augustinian institute in Northern England? The

¹ *Britannia Depicta* (1720), pp. 160-162.

Chronicle of Lanercost betrays many symptoms of learning and scholarship in agreement with Augustinian traditions. It requires a robust faith to predicate in the mendicant friar a knowledge of Beda, Chrysostom, Ambrose, Justin Martyr, Gregory, and Augustine, leaving out the Theodosian Code,¹ as the quotation is in some doubt. Whatever imperfections the composition may contain, and nobody wishes to conceal them, the authors may reasonably be acquitted of ignorance of patristic learning. Literary touches of various forms brighten up the dull catena of miracle and legend.

In the light of what has been already stated, it would be hazardous to offer a dogmatic view of the authorship of the Chronicle, but it seems quite reasonable to hold that the preponderance of evidence favours the Augustinian house. In the early vicissitudes of the friars in the Border counties, opportunities for undertaking and continuing such a work simply did not exist. The sources of the Chronicle, so far as they can be conjectured, are a strange mixture of written history and oral tale. Many of the stories there recorded, some of them being in glorification of the Mendicant Orders, were taken down from the lips of a narrator. An Augustinian house with the geographical advantages of Lanercost was well adapted to serve as an emporium of news, and the ubiquitous friars, who often assisted the canons in parochial administration, were convenient agents to collect the supply. But the corpus of the Chronicle, taken as it exists in manuscript, was compiled from written sources, and the institution from which it emanated was well supplied with some of the best materials for the period to which it relates.

JAMES WILSON.

¹The phrase, *teste theodecto*, which puzzled Sir Herbert Maxwell (p. 128), should be compared with *teste Ezechiele* (p. 126) and *teste Chrysostomo* (p. 135) as clearly correlative. Stevenson should have printed *theodecto* as a proper name, but the spelling is probably corrupt. The print, however, corresponds with the text of the manuscript. The quotation savours of the style of the Theodosian Code.

Hamilton of Kincavil and the General Assembly of 1563

THE General Assembly of the Church of Scotland has recently obtained possession of a document of more than ordinary interest. The earlier records of the Assembly are unfortunately most imperfect. Neither the originals nor complete transcripts are known to exist. And *The Booke of the Universal Kirke* published by the Bannatyne Club, is largely made up of material from various writers, by whom portions of the records bear to be quoted or summarized. In this compilation (vol. i. p. 36) under date 27th June, 1563, appears a short account of the proceedings of the General Assembly anent the case of James Hamilton of Kincavil. This bears to be taken from Calderwood's *History of the Church of Scotland*.¹ The document which the Assembly has now acquired is an official extract on parchment from the missing Register of the Acts of Assembly, and, as will be seen, it sets forth the proceedings at length.

For its proper understanding a brief statement of facts seems necessary. James, or, as he is generally called, Sir James Hamilton of Kincavil, was the eldest son of Sir Patrick Hamilton of Kincavil, by Margaret Stewart, daughter of the Duke of Albany, and thus the elder brother of Patrick Hamilton, Abbot of Fearn, who was burned at St. Andrews on 29th February, 1528. The circumstances surrounding the condemnation and burning of Patrick Hamilton are still obscure. The hostility of Angus the Regent to a Hamilton can easily be understood. But the martyr was closely related to the Betons, and both the Archbishop and his nephew, the future Cardinal, had shown themselves to be friendly. Stranger still, Sir James Hamilton of Finnart—a bastard son of Arran and thus Patrick's own cousin—in spite of all the ties of kinship, was prominent in the proceedings against him. It seems, too, that only the extraordinary rapidity with which the sentence was carried into effect prevented Sir James Hamilton

¹ Woodrow Society, vol. ii. p. 228.

of Kincavil from attempting to rescue his brother by force. Foiled in this he appears to have openly shown his resentment and his desire for revenge, in his wrath probably adopting the propositions attributed to his theological brother and condemned as heretical.

In the result he and his sister were with other alleged heretics cited to appear at Holyrood, in the summer of 1534, before the Bishop of Ross, as Commissioner for the Archbishop of St. Andrews, who, besides being primate, was also the ordinary of the diocese. The story is first told by Foxe,¹ from whom Calderwood and other writers seem to have copied it.

Within a year after the martyrdom of Henry Forest or thereabout was called James Hamelton of Linlithgow, his sister Katharine Hamelton the spouse of the Captain of Dunbar : also another honest woman of Leith : David Straton of the house of Lawristone and Master Norman Gurley. These were called to the Abbey Church of Holyrood House in Edinburgh by James Hay bishop of Ross Commissioner to James Beton Archbishop in presence of King James the Fifth of that name, who upon the day of their accusation was altogether clad in red apparel. James Hamelton was accused as one that maintained the opinion of Master Patrick his brother, to whom the King gave counsel to depart and not to appear for in case he appeared he could not help him, because the bishops had persuaded the King that the cause of heresy did in no wise appertain unto *him*. And so Hamelton fled and was condemned as an heretic and all his goods and lands confiscated and disposed unto others.

Katharine Hamelton his sister appeared upon the scaffold and being accused of a horrible heresy to wit that her own works could not save her, she granted the same : and after a long reasoning between her and Master John Spens the lawyer she concluded in this manner 'Work here work there ; what kind of working is all this ? I know perfectly that no kind of works can save me but only the works of Christ my Lord and Saviour.' The King hearing these words turned him about and laughed and called her unto him and caused her to recant because she was his aunt, and she escaped.

The forfeited estates of Sir James Hamilton were at once granted to a variety of persons, as appears from the Great Seal Register of the time. In particular, Sir James Hamilton of Finnart, then high in favour with the King, on December 10, 1535, obtained a charter of the lands of Kincavil and the office of Sheriff of Linlithgow, then in the King's hands, 'ob Jacobi Hammyltoun olim de Kincavil existentiam convicti et fugitivi a legibus pro heresi.'

¹ *Book of Martyrs*, Edn. 1846, vol. iv. p. 579 ; see also *Letters and Papers Foreign and Domestic*, *passim*, for references to Hamilton.

But in spite of the bishops the King was still minded to save his kinsman. In a letter to the Pope, dated 29th March, 1537,¹ he asks direct for the offender's pardon. Though printed by Father Theiner, this letter, because of the light it throws on the situation, may appropriately be given here at length. It is as follows :

Beatissime Pater. Ad sanctos pedes officiosam salutem. Hic Iacobus Hammiltonn ex nobili domo originem trahens, et alias nobis familiaris, iuvenili quadam facilitate et rerum imperitia a priscis patrum institutis antea descivit, vocatusque in iudicium non gravate abiuravit omnem heresim et cum detestatione execratus est, sese ut orthodoxum decet vivere velle professus. Postea paucis interpositis annis rursum in iudicium vocatus ob quasdam suspiciones metu periculi e nostro regno discessit. Quare iudicium conspectum fugisse, tandem per contumaciam, ut suspectus iudicatus est, in opiniones abiuratas relapsus. Quoniam autem ipse nobis non vulgare exhibet penitudinis specimen, eo libentius adducimur ut Sanctitatem tuam supplices rogemus, quatenus is, qui insano cuique patet Christi exuperantis clemencie amplexus per tuam Beatitudinem obviis sit : ea tamen lege rogamus, si certe pre se ferre respiciencie constantieque specimen visus fuerit, quod nobis profecto multis magnisque de causis pre se ferre videtur : in summa oramus hanc nostram petitionem frustra non haberi ; etiamsi quedam nostre littere antea forte ad tuam Beatitudinem misse viderentur aliquid durius de homine sentire. Reliquum est ut diu felixque Christi ecclesie regimen vivas precemur. Ex Rothomago xxix Martii anno domini millesimo quingentesimo trigesimo septimo.

E.V.S.

Devotus filius
Scotorum Rex
James R.

The royal appeal seems to have been successful, and Sir James, now purged of heresy, was able to return to Scotland. But the sentence against him was not quashed and it appears from subsequent proceedings in Parliament that the Bull which he obtained was without prejudice to the rights of the Crown or other parties in his forfeited estates.²

Back in Scotland, he before long found, or made, an opportunity of settling accounts with Sir James of Finnart, whom, in 1540, he delated to the King in respect of an alleged plot some twelve years old. The royal consent to his arrest having been obtained, Sir James of Finnart was tried, condemned, and executed with a celerity that must have reminded him of the fate of the Abbot of Fearn.

It would not have been surprising if, during the troublous

¹ *Vetera Monumenta*, p. 607.

² *Acts*, ii. 469.

times that followed, Sir James Hamilton of Kincavil had found some short-hand method of reacquiring his forfeited estates and ignored mere legal formalities. To some extent he appears to have done so. Moreover, when the papal jurisdiction was swept away in 1560, it might also have been expected that the old sentence would have been civilly ignored—and, if remembered at all, been regarded as a mark of distinction. But the Scots have always attached importance to the due observance of legal forms, and accordingly Sir James took steps to have it properly reduced. The method which he adopted is interesting. He ‘purchased edicts’ from the superintendent of Lothian, for trying an action of reduction before the General Assembly, calling as respondents certain persons who appear to have been in possession of his forfeited estates. That action was duly entertained by that Reverend Court, and what happened is told in the extract already referred to, and which is as follows:

At Perth the xxvi day of Junii the zeir of God ane thousand five hundre^t threscore thre zeris anent ye edictis purchassit and rasit upon ye complaint of James Hammiltoun of Kyncavill Shereff of Linly^tqw fra maister Johnn Spottiswod superintendent of Lotheane the said James reproducit ye saidis edictis in ye public assembly grantit to him be ye said superintendent under his signett and subscription manuall datitt at Edinbur^t ye ellevint day of Junii instant execute and indorsate be Johnn Knox minster of Edinbur^t Patrik Kinloquhy minster of Linly^tqw Johnn Duncansoun and Alexander Oswald minster of Streviling and [] respective, ye threttene day of ye same mone^t aganis Patrik Crummye in Carribbin James Gib of Carribder Johnn Cockburn of Clarkingtoun Elizabe^t Danielstoun his spouse Robert Danielstoun sone and apperand aire to umqⁿ James Danielstoun his tutouris and curatouris gif he any hes James Witherspoun provest of Linly^tqw, William Hammiltoun of Hombye and all uthers havand or pretendand to have any interes to ye action and caus eftir following that they and every ane of thame suld compeir before ye generall assembly of ye Kirk of this realme ye xxvi day of this mone^t w^t continuatioun of dayes to heire and see ye articlis quhairof James umqⁿ bischope of Ros commissionare to James umqⁿ Archebischope of Sanctandros w^t certane utheres his collegis condempnit ye said James Hammiltoun as ane heritik, to be decernit godlie and catholick and naway repugnant to ye scriptures of God and ye said pretendit sentence wrangouslie led and gevin aganis him in penam contumacie to be cassit annullit and decernit wrangouslie gevin and proceditt from ye begynnyng w^t all yat followit yairupoun and thairfor ye said James (be yair pretendit sentence and decreit infamit) to be reponitt agane in integrum to his fame hono^r and dignitie lik as he wes before ye geving and pronouncing yairof for the causis foirsaidis and uthers to be proponit lik as at mair lenth wes contenit in ye saidis edictis in lik maner ye said James producitt ye foirsaid sentence

gevin be ye said commissione of ye daitt at Halyruidhous ye xxvi day of August in ye zeir of God ane thousand five hundret fourtie foure [sic] zeris signitt and subscrivit be maister Andro Oliphant notare publick and scribe to ye said sentence condempnand ye said James as ane heretik for halding and maintenynge of thir articlis following To witt that umqⁿ Patrik Hammiltoun deit as ane gude Christiane and Catholic man being condempnit as ane impenitent heritik and brint be thame and yat he wes content to dee ye same deith That thair is na purgatorie That it aucht not to be prayit for ye deid That he held with him certane buikis condempnit and suspect of heresye That ane man had not fre will That he usit ye lordis prayer publiclie in ye vulgare toung That he contemptit and causit to contempne ye preching of ye freris precheours and farther as ye same sentence at lenth proportit q^{lk} altogydder ye said James acceptit in sa fer as they maid for him and na utherways Requiring humillie ye Kirk yair assemblit to proceid and geve fur^t thair sentence in ye premissis according to ye word of God equitie and justice the q^{lk} request ye Kirk thocht just and consonant unto rasone and eftir calling of ye saidis parteis and all uthers having interes oftymes callit and nane comperand the assembly continewit ye advising of the actioun and caus to ye end of yis conventioun and then to decerne thairin and geve fur^t yair sentence according to Goddis word Tharaftir ye xxvii day of Junii foirsaid comperit personallie in ye said assembly ye said James Hammiltoun of Kincavill sheref of Linly^tqw and in ye terme assignit be ye said assembly to pronunce and geve fur^t thair sentence in ye caus before expressit the said James repetit ye saidis edictis and sentence abone mentionate and contentis thairof si et in quantum, etc., Requiring humillie ye Kirk yair assemblit as of before to proceid and geve fur^t thair sentence according to ye word of God in ye premissis The Assembly eftir calling of ye saidis persons summondit and not comperand eftir also mature deliberatioun and advising of ye saidis edictis sentence producit before tham and articlis contenit thairin having God and his evirlasting word before thair ees and eftir lang rasounyng upon ye saidis articlis contenit in ye foirsaid sentence w^t ane voce and mynd decernit deliverit and for finall sentence pronuncit the saidis articlis contenit in ye foirsaid pretendit sentence to be catholick and godlie and na way repugnant to ye word of God according to godlie interpretouris thairof The proces and pretendit sentence gevin be ye said James umqⁿ bishope of Ros commissione foirsaid to have bene from ye begynnyng wickit and ungodlie wrangouslie procedit and gevin aganis ye said James in penam contumacie and thairfor to be cassit annullit and rescindit w^t all yat followit thairupon and ye said James Hammiltoun to be restorit and reponitt in integrum to his fame hon^r and dignitie as he wes befoir ye geving of ye said pretendit sentence be said umqⁿ commissione and sa to be jugeitt be all faythfule in all tymes cuming be yis sentence gevin at Perth in ye Generall Assembly and thryde sessioun thairof ye xxvii day of Junii ye zeir of God foirsaid at elleven houris before noun Before yir witnessis Johnn Wishart of Pittarro Johnn Bellenden of Auchinnoull Kny^t Comptrollare and Justice Clerk to our soverane ladye, maister James Makgill of Rankelo^r nether and clerk of

register to hir hienes w' uthers diverss Extractit out of ye register of ye Acts of ye said Assembly be me Johnn Gray notare public and scribe to yis generall conventioun testifeing ye same be my signett and subscription manuell

J^N. GRAY. (Subscripsi)

Although this extract speaks for itself, one or two points may be noted. First, the extremely detailed and formal procedure is interesting. Next, it is plain that at that time there was not thought to be any break in the continuity of the Church. The papal jurisdiction had no doubt been abolished by statute, but its previous acts remained unaffected. The old sentence thus stood. But the General Assembly, being now the supreme court of the Church, could reduce it on cause shown. The use of the word Catholic is also to be noted. Further, it is not the Court of Session but the Assembly that is asked to reduce this judicial sentence, now thirty-nine years old—and that although the reduction was obviously intended to have civil consequences.

There is thus, it will be noted, a remarkable distinction between the present case and that of Sir John Borthwick in 1561. Here the inherent jurisdiction of the General Assembly was assumed and acted on by all concerned. There the sentence was reviewed by 'Mr. Ihon Wynram superintendent of Fyff, minister eldaris and diaconis of Cristis Kyrk within the reformed citie of Sanct-androis,' under a remit from the Lords of Secret Council, and quashed after consultation with certain theologians. [St. Andrews Kirk Session Register, *Scottish Hist. Society*, pp. 88 *et seq.*]

J. R. N. MACPHAIL.

James Mill in Leadenhall Street

1819-1836

THAT the publication of his *History of British India* was followed by his appointment to a lucrative post in the East India House is of course a well-known fact in the life of the elder Mill. Yet none of his biographers gives a clear and connected account of his official career; while the chief of them—Professor Bain—is not always accurate in his scanty references to the subject. In the following examination of this important aspect of Mill's life, the Company's records, now in the India Office at Westminster, have been utilized.

At the beginning of the nineteenth century the responsibility of digesting practically the whole of the despatches received from India, and of drafting the Directors' replies, rested on the shoulders of one man, who was officially designated the Examiner of Indian Correspondence; and this individual, Samuel Johnson by name, was supposed to be qualified to advise his employers on all questions—political, revenue, judicial, or military—that were brought to their notice. Naturally, this system came near to breaking down. Although Johnson had a number of assistants, it was found impossible to deal promptly with the rapidly growing correspondence; and it became not unusual for an India letter to remain unanswered for three or four years, or even longer. At last an effort was made to lighten the labours of the Examiner, and in 1804 the duty of dealing with military correspondence was handed over, by a curious arrangement, to the Auditor of Indian Accounts, who was already responsible for correspondence on financial topics. Apparently this change was not found satisfactory; for a few years later the military work was transferred to a secretary specially appointed for that purpose. In 1809 two Assistant Secretaries were introduced, to whom was entrusted the control, under Johnson's supervision, of the judicial and revenue correspondence respectively, while an Assistant Examiner took

charge of the miscellaneous subjects grouped under the head of Public. Political matters, as being the most important, remained under the direct care of the Examiner. Thus matters stood for several years, except that in 1817 Samuel Johnson retired and his place was taken by William McCulloch, who had been for some time his principal assistant.

In 1819 came a great change. Rundall, the chief Assistant Examiner, and Halhed, one of the Assistant Secretaries appointed ten years before, retired simultaneously; and as the other Assistant Secretaryship had been vacant for some time, the Directors had three appointments to fill up at once in this important department. The matter was carefully considered by the Committee of Correspondence, who on May 12, 1819, made a special report on the subject. In this they pointed out that the work had been for some time falling seriously into arrear; that the business of the department had much increased, and was likely to increase still further; many questions, they said, connected with the internal administration of India had acquired additional importance of late years, and the necessity was apparent for a 'higher than ordinary standard of qualifications for a satisfactory and even a tolerable discharge of that duty.' They had reluctantly come to the conclusion that none of the clerks in the department possessed the requisite attainments, and they recommended therefore the provisional appointment of three gentlemen from outside as Assistants to the Examiner. As some compensation to the clerks who were thus passed over, the creation of a fourth Assistantship was suggested, for which one of their number, Mr. J. J. Harcourt, was proposed, with consequent promotion for each of his juniors.

The three new names submitted by the Committee were those of Mr. Edward Strachey, Mr. James Mill, and Mr. Thomas Love Peacock. The first of these was a retired member of the Bengal Civil Service, who had gone out in 1793, and after serving, mostly in a judicial capacity, at various stations in the North-Western Provinces and Bengal, had returned to England in 1811.¹ Of James Mill the Committee remarked: 'This gentle-

¹ He was the second son of Sir Henry Strachey, Bart., M.P., Clive's former secretary. Carlyle, in his *Reminiscences*, describes him as 'a genially abrupt man; "Utilitarian" and Democrat by creed, yet beyond all things he loved Chaucer and kept reading him. A man rather tacit than discursive; but willing to speak, and doing it well, in a fine, tinkling, mellow-toned voice, in an ingenious aphoristic way; had withal a pretty vein of quiz, which he seldom indulged in. A man sharply impatient of pretence, of sham and untruth in all forms; especially

man's character is before the public as the author of a *History of India*, and from the research displayed in the course of that work, as also from private testimony, the Committee have every reason to believe that his talents will prove beneficial to the Company's interests.' Thomas Love Peacock had recently sprung into notice by the publication, in rapid succession, of *Headlong Hall*, *Melincourt*, and *Nightmare Abbey*; but city men do not, as a rule, look for business ability in a novelist, and it may be surmised that his appointment was largely due to the influence of his friend, Peter Auber, the Company's Secretary. The canvass for these appointments had been going on for some months; and Auber had done his best to further Peacock's interests by procuring him temporary employment in the Examiner's Department from the preceding Christmas. Mill had made formal application by a letter dated March 22, 1819; but as early as February he had hinted to a correspondent that 'friends of mine among the East India Directors have views in my favour of considerable importance in the East India House,' and by April his supporters, prominent among whom were Ricardo, Hume, and Place, were making every effort to secure his appointment. The 'Chairs' were favourable to him, solely on the ground of his ability and knowledge; and George Canning, then President of the Board of Control, is said to have lent his powerful influence.¹

The Committee's report was considered by the Directors on May 18, 1819, when the recommendations it contained were discussed and approved. To Strachey was allotted a salary of £1000 per annum; to Mill, £800; and to Peacock, £600.

contemptuous of "quality" pretensions and affectations, which he scattered grinningly to the winds. Dressed in the simplest form; walked daily to the India House and back, though there were fine carriages in store for the women part; scorned cheerfully "the general humbug of the world," and honestly strove to do his own bit of duty, spiced by Chaucer and what else of inward harmony or condiment he had. . . . A man of many qualities: comfortable to be near.' Many of his traits are reflected in the character of the Squire in his son's *Talks at a Country House*; and we are probably not wrong in identifying him with the 'retired Bengal judge' mentioned in that work, of whom it is said that 'such is the force of habit that, when he had occasion to take notes of an important trial at the Somersetshire assizes, he actually wrote them in Persian rather than in the English words in which the evidence was given, just as he had done, many years before, when trying dakoits at Jessore.'

It is scarcely necessary to recall that two of Edward Strachey's sons—Sir John and Sir Richard—added fresh lustre to the family name by their splendid services to India.

¹ Bain's *Life of James Mill*, pp. 167, 185.

Harcourt, the fourth Assistant, was given £800 a year, his previous services being taken into account. All four appointments were to be regarded as probationary, and the arrangement was to be reconsidered at the end of two years. Their specific duties are not mentioned; but it would seem that Strachey took the judicial branch, Mill the revenue, and Harcourt the public, while M'Culloch himself looked after political matters. Peacock probably attended to the miscellaneous subjects which did not come under any of those four heads.

It was a bold measure to entrust important duties of this nature to three men of mature years,¹ of whom two were entirely destitute of the customary training, and the third had had but a few months. One can fancy the general shaking of bewildered heads, and the loudly expressed disgust of the men who had been for years engaged in producing drafts on the pattern sanctioned by the usage of generations—assenting here, carping there, referring to forgotten orders of twenty years previous, or postponing a decision until the receipt of further information. 'The style as we like is the Humdrum,' a Director is reported to have replied to a youthful aspirant who inquired what was the best method to adopt in composing official despatches. Harcourt and his juniors had no doubt cultivated with care the style of the Humdrum; yet here, by a *bouleversement* not to be expected from so eminently conservative a body as the Directors, they were pushed aside for newcomers who probably would not care a straw for tradition or precedent. However, the experiment was fully justified by its success. On April 10, 1821, the Correspondence Committee brought up another report, which stated that the services of the three new Assistants 'have been strongly recommended by the gentlemen who have filled the Chairs since that period, and have been approved by the Committee in various instances wherein they have had an opportunity of witnessing the result of their labors.' They submitted, therefore, 'that those gentlemen be admitted permanently on the establishment of the Examiner's Office.' This the Court approved; and at the same time added £200 to the salary of each, the increase to take effect from the preceding Lady Day.

James Mill was now fairly in the saddle, and quickly made his powers felt. The favourable impression produced by his ability and assiduity was shown by the resolution come to by the Court on April 9, 1823, to raise his salary to £1200 from Lady Day,

¹Strachey was 45, Mill 46, and Peacock 34 at the time of appointment.

and to grant him the title of Assistant Examiner, his former colleagues (of whom Peacock also received an increase of £200) being subtly distinguished as Assistants *under* the Examiner. This meant of course that he was placed above Strachey, who thereupon handed in his resignation. The Court accepted it, but with such expressions of regret that the way was left open to him to reconsider the matter; and a few weeks later he asked and obtained leave to withdraw his letter and resume his place.

At the same meeting which decided Mill's promotion, it was resolved to add another clerk to the Examiner's department; and the nomination having been placed at the disposal of the Chairman, Mr. James Pattison, he gave it to John Stuart Mill, who thus got his foot on the official ladder which his father was climbing with so much success.¹ The actual date of appointment was May 21, 1823, when John Mill had just turned seventeen. The first three years of his service, which ranked as a kind of apprenticeship, were rewarded, as usual, with a gratuity of £30 only; but once past this stage his rise was almost as rapid as his father's had been. In March, 1827, he was given a special gratuity of £200 for his 'zeal and assiduity'; and a year later the Court 'resolved by the ballot that Mr. John Mill, the eleventh clerk in the office of the Examiner of Indian Correspondence, who has been employed in the corresponding department since his first appointment and who has been reported well qualified for that duty, and to whose application, industry, and general good conduct the Examiner has borne the strongest testimony, be removed from his present situation and appointed an Assistant to the Examiner next under Mr. Harcourt, with an addition of £200 to his present salary, making his total allowance £310 per annum.' He thus jumped over the heads of the ten clerks above him, though his salary remained a comparatively small one. This, however, was partially remedied by a special gratuity of £200, which was given to him each year from 1829 up to 1834, when the allowance

¹ Since 1814 the Mill family had been residing at No. 1 Queen's Square, Westminster (now 40 Queen Anne's Gate), and thence father and son would walk daily to the office, probably with many a discussion on the way. In 1831 a move was made to a large detached villa in Vicarage Place, Kensington, afterwards called Maitland House. From about 1822 James Mill was in the habit of taking a summer residence in Surrey, his chosen headquarters in later years being the village of Mickleham, between Leatherhead and Dorking. There the family would remain for six months in each year, and there Mill spent the six weeks of his annual holiday. The rest of the time he went thither from Friday to Monday, while John, who (not being the head of a department) had to make the usual Saturday attendance, would come down on the Saturday afternoon.

was made a permanent addition to his salary, which had by that time reached £420.

With James Mill's outside work—important as it was—we have here nothing to do, but we must record a few more facts about his official career. On September 16, 1829, 'as a mark of the Court's approbation of the great attention and ability with which he has discharged the duties of his office,' his salary was increased by £300, to date from the 29th of that month. A year later M'Culloch intimated his intention of retiring¹ and the Committee of Correspondence advised that Mill should be appointed to succeed him. The matter was debated by the Directors at a meeting held on December 8, 1830, when considerable opposition was manifested. It was urged that M'Culloch's post should not be filled up—meaning apparently that Mill was to do the work on his existing salary. This, however, was negatived; and it was resolved that he should be made Examiner from Christmas, at £1900 a year, and that the vacancy thus created should not be filled, but Strachey and Peacock should be appointed Senior Assistants on £1200 (a rise of £200 for the latter).²

The next event of importance in the history of the department was the death of Strachey. This necessitated the appointment of someone to look after the judicial work; and, as Indian experience was apparently considered essential, a new Assistant was introduced (February 8, 1832), to rank next below Peacock, with a salary of £1000. The person chosen was David Hill, who had spent eighteen years in the Madras Civil Service and had recently been Chief Secretary in that Presidency.

The Company was now in the midst of the great struggle which was to terminate its existence as a commercial body. During the period that had elapsed since the last renewal of its charter, public opinion had set strongly against the continuance of its privileges, especially of its monopoly of the China trade. The growth of liberal views, the stimulus given to commerce by the conclusion of a general peace, and the consequent cry for new markets, had made the merchants of England unanimous in

¹ Professor Bain says that he was told 'that M'Culloch's reputation as an administrator was very high, his despatches being accounted perfect models and even superior to Mill's.' As, however, this statement is traceable to Horace Grant, a clerk in the Examiner's department who bore a grudge against James Mill, the Professor thinks that the comparison is not altogether to be trusted.

² These particulars, and some of the others given above, correct in several respects Professor Bain's statements in his *Life of James Mill*.

demanding unrestricted access to the ports of the Far East ; and in this they could count on the hearty support of the general public, aggrieved by the high price of tea. The chief plea urged by the Company in defence of its monopoly was that from the profits of this trade came not only the dividends of the proprietors, but also the wherewithal to meet the deficits of the Indian administration ; but this provoked the obvious retort that there was no reason why the nation should pay a high price for an article of prime importance in order to find funds for these two purposes. As early as 1820 Committees of both Houses of Parliament had reported in favour of a relaxation of the restrictions imposed by the Company ; but the Government of the day refused to take action, and attempts made nine years later to raise the question afresh were foiled in like manner.

However, action of some sort was so clearly necessary, in order to satisfy public opinion, that early in the session of 1830 Committees were appointed both in the Lords and Commons 'to inquire into the present state of the East India Company and the trade between the East Indies, Great Britain, and China.' In July both Committees submitted preliminary reports, dealing chiefly with the China trade ; but the further prosecution of their inquiries was stopped by the dissolution entailed by the death of the King, and the matter was not taken up again until February, 1831—this time by a Committee of the Commons alone. Even then, the conflict over the Reform Bill brought about a fresh appeal to the country in April, and a third Committee was not constituted until the end of June.

Ministers had already avowed their intention of throwing open the trade with China, and consequently the Committee turned its attention chiefly to the details of Indian administration. James Mill was called in August, and his evidence lasted through eight sittings. It was restricted to revenue matters, and is remarkable for its thoroughgoing defence of the existing system. He strongly condemned the Permanent Settlement of Bengal, and suggested as a partial remedy the purchase by Government of the *zamindari* rights as they came into the market, to be followed by a resettlement with the tenants on the old hereditary principle. Asked as to the probity or otherwise of the subordinate native officials, he replied that there was 'a total absence of a moral feeling in the country. . . . It is not shameful to be dishonest in a public trust.' These and other answers appear to have irritated certain of the members opposed to the Company, and

on the last day of his examination he was pointedly asked : 'Do you conceive that it is possible for any person to form an adequate judgment of the character of a people without being personally acquainted with them?' to which he made the quiet reply : 'If the question refers to myself, I am far from pretending to a perfect knowledge of the character of the people of India.'

The Committee briefly reported, on October 11, 1831, the evidence they had taken ; but everybody's attention was absorbed by the struggle over the Reform Bill—which the Lords had thrown out three days before—and no attempt was made to deal with the question of India during the rest of the session. On January 27, 1832, the appointment of a Committee was once again moved and agreed to. This time sub-committees were formed, who took up the subject in six branches. On four of these Mill was again examined. He expressed himself in favour of relieving the Supreme Government from the task of conducting the local administration of Bengal ; he also advocated the substitution of Lieutenant-Governors for the Governors of Madras and Bombay, and the amalgamation of the Presidential armies. He strongly supported the recommendation of the Indian Government for the establishment of a Legislative Council, which he would constitute of one or more experienced civilians, one lawyer, one native, and an individual 'thoroughly versed in the philosophy of man and of government.' The existing exemption of Europeans from the jurisdiction of the Company's courts he severely condemned, as well as other defects in the judicial system. He considered the use of Persian in the law courts an absurdity, but the substitution of English would have an equally bad effect ; the only proper course was to employ judges familiar with the vernacular. He approved the opening of the civil service to public competition (of the Haileybury system he had come to an opinion 'by no means favourable'), and would also do what was possible to educate the natives. As regards the employment of the latter in Government service, he would observe strict impartiality, taking the best man for the post, whether a native or a European. On revenue topics, he repeated his conviction of the 'pernicious' effects of the Permanent Settlement, and opposed the abolition of the salt duty ('I know of no substitute for the tax on salt which would be so little onerous to the people') ; while as regards opium he could 'see no objection to the present mode at all.' Questioned as to the

native states, he expressed strong opinions regarding the misery caused by their misgovernment—a misgovernment which, he thought, the policy in vogue did much to perpetuate by abstaining from any real interference in the internal administration of those states, whilst guaranteeing their rulers against the natural remedy, rebellion. Either, he said, the states should be left entirely alone (a course which he admitted was in most cases out of the question) or the administration should be taken over and the princes reduced to the position of pensioners.

The Committee reported to the House on August 16, 1832 ; but the close of the session prevented further action. Meanwhile a long and elaborate correspondence went on between the Court of Directors and the Board of Control regarding the terms to be allowed to the Company by the Government ; and in this Mill of course bore a leading part. We need not enter into the details of the controversy, except to say that the honours of debate appear to have fallen to the Company's representatives, and that considerable concessions were obtained as the result of their efforts.

The Bill was introduced in the Commons at the end of June, 1833, and was read a second time on July 10, when Macaulay, as one of the Commissioners of the India Board, made a masterly speech in its favour. Part of his task was to justify to the Reformed Parliament the abstention of the Government from any attempt to provide India with representative institutions ; and in doing this he made a clever use of the evidence given by Mill, whom he characterised as a 'gentleman extremely well acquainted with the affairs of our Eastern Empire, a most valuable servant of the Company, and the author of a *History of India* which, though certainly not free from faults, is, I think, on the whole the greatest historical work which has appeared in our language since that of Gibbon.' 'That gentleman,' he said, 'is well known to be a very bold and uncompromising politician. He has written strongly, far too strongly I think, in favour of pure democracy. He has gone so far as to maintain that no nation which has not a representative legislature, chosen by universal suffrage, enjoys security against oppression. But when he was asked, before the Committee of last year, whether he thought representative government practicable in India, his answer was : "utterly out of the question."'

The Bill emerged from Committee practically unaltered, and was carried up to the Lords at the end of July. A few

amendments were made, in which the Commons concurred, and in August the measure became part of the law of the land.

The passing of the Act was followed by the appointment of Macaulay to the newly created post of Legal Member of the Governor-General's Council—an appointment generously supported by Mill, who bore no malice for the attacks which the younger man had made on him in the pages of the *Edinburgh Review*.¹ 'The late Chairman,' wrote Macaulay to his sister, 'consulted him about me; hoping, I suppose, to have his support against me. Mill said, very handsomely, that he would advise the Company to take me; for, as public men went, I was much above the average and, if they rejected me, he thought it very unlikely that they would get anybody so fit.' Between Macaulay's appointment and his sailing, he and Mill held frequent conferences. Another consequence most welcome to the latter was the nomination of a small commission to inquire into the Indian judicial system, with Macaulay as president. One of the commissioners, Mr. Charles Hay Cameron (afterwards himself Legal Member), was an old friend of Mill, who eight years before had endeavoured, but without success, to get him elected to the chair of philosophy in the newly founded University of London. He too availed himself of every opportunity of consulting Mill before setting out to take up his post. In August, 1834, the latter writes to Brougham: 'Cameron has been down with me for some days, mainly with a view to go into the details of his magnificent charge. He views it with the proper spirit; and I doubt not India will be the first country on earth to boast of a system of law and judicature as near perfection as the circumstances of the people would admit.' How well this anticipation was fulfilled by the Criminal Code, which was the outcome of the Commission's labours, is now a matter of common knowledge.

In 1835 a writership in the Bengal Presidency was procured for Mill's second son, James Bentham Mill. He went through the ordinary routine of appointments, serving mostly in the North-Western Provinces; retired in 1852; and died ten years later. A younger son, George Grote Mill, was appointed a clerk in the India House in 1844. He is described as very able and of a genial temperament, but constitutionally delicate. Having

¹With equal generosity Macaulay refused to include these articles in his *Collected Essays*, and in the preface expressed regret for his 'unbecoming acrimony' and his satisfaction that Mill 'was, when his valuable life closed, on terms of cordial friendship with his assailant.'

contracted lung disease through overtaking his strength in a Swiss walking tour, he was obliged to give up his post in 1850, and died at Madeira three years later. Some account of him will be found in an article by David Masson on *Memories of London in the Forties*, which appeared in *Blackwood's Magazine* for February, 1908.

Early in 1836 several changes were made in the Examiner's department, in consequence of the retirement of Harcourt, whose place was not filled up. James Mill's salary was raised to £2000; the title of Assistant Examiner was revived and given to Peacock with £1500 a year; while the salaries of Hill and John Mill were made £1200 and £800 respectively. John Mill was not yet thirty years of age.

James Mill was now nearly sixty-three, and his life of strenuous toil had of late told rapidly on his health. In August, 1835, he had had an ominous hemorrhage of the lungs, followed by considerable weakness; and although he got back to London from Mickleham in the autumn, he was unable to resume his duties at the India House. However, he was still hopeful, and wrote to Lord Brougham in January 'they tell me that, if I take care till the good weather comes, I shall be well again.' But he grew weaker and weaker, and before long it became evident that he would never see Leadenhall Street any more. As the end drew near, his affection for his children showed through the mask of reserve which he had hitherto chosen to wear. John was in bad health, and had been ordered by the doctor to Brighton; James was in India; and only George and Henry remained with the stricken father. 'Although,' wrote Henry, 'he seldom said anything about it, never by way of complaint, yet he sometimes, when he thought he should not recover, used to say to me or George that he would very willingly die, if it were not that he left us too young to be sure how we should turn out.' In June his friend Place wrote: 'Stayed too long with poor Mill, who showed much more sympathy and affection than ever before in all our long friendship. But he was all the time as much of a bright, reasoning man as he ever was—reconciled to his fate, brave and calm.' After a time bronchitis supervened, and on June 23, 1836, the sufferer passed away. He was buried in the old parish church at Kensington, and a marble tablet erected to his memory. The church has since been rebuilt, and the tablet is now to be found in the porch.

To the question how the elder Mill appeared to his Leadenhall

Street associates and what manner of man he was during business hours, tradition gives little answer. We gather, however, that he was a strict disciplinarian, scrupulously observing office rules himself, and expecting others to observe them likewise. Genial and patient towards his subordinates he is not likely to have been, considering his natural coldness of disposition and irritability of temper; but one may feel sure that he was inflexibly just in his dealings with them, and anxious to encourage and reward those who displayed industry and ability. 'One thing is certain,' writes Professor Bain, 'that Mill acquired a very great amount of influence and authority with the Court of Directors. It is doubted whether anyone before or since obtained the same share of their confidence. It has been said that, he being dead when the Macaulay Commission brought over their new Code for India, the Directors could not trust their own judgment so far as to put it in force.' And this influence was not merely that which an official of long-standing would naturally have with a heterogeneous body like the Court; it was due largely to Mill's exceptional force of character. 'He was a born leader—a king of men,' says Professor Bain with enthusiasm; and even that coolest of filial critics, his eldest son, bears similar testimony: 'My father's . . . senses and mental faculties were always on the alert; he carried decision and energy of character in his whole manner and into every action of life; and this, as much as his talents, contributed to the strong impression which he always made upon those with whom he came into personal contact.'

Of the elder Mill's services to India, his son writes: 'The influence which his talents, his reputation, and his decision of character gave him with superiors who really desired the good government of India, enabled him to a great extent to throw into his drafts of despatches, and to carry through the ordeal of the Court of Directors and Board of Control, without having their force much weakened, his real opinions on Indian subjects. In his *History* he had set forth, for the first time, many of the true principles of Indian administration: and his despatches, following his *History*, did more than had ever been done before to promote the improvement of India and teach Indian officials to understand their business. If a selection of them were published, they would, I am convinced, place his character as a practical statesman fully on a level with his eminence as a speculative writer.'

Chronicle of Lanercost¹

WHEN the King of England reached Poissy, he found the bridge broken and guarded by 1000 knights and 2000 cross-bowmen, so that it might not be repaired to enable the King of England to cross. But the King of England, having killed the guards, speedily repaired the bridge, and crossed over with his army. Then he proceeded through Picardy to Ponthieu; his enemy followed him to Crécy-en-Ponthieu, where, on the seventh of the kalends of September,² by the help of the Lord, he defeated his enemy in a great battle. For the action began on the afore-said day, to wit, the Saturday after the feast of S. Bartholomew, and continued until noon on the following day, and was brought to a close, not by human, but by divine, power. Among those slain and captured there were the King of Bohemia³ and the King of Majorca, also the Duke of Lorraine, the Archbishop of Sens and [the bishop of] Nimes,⁴ the Comte d'Alençon, who was the King of France's brother, the Abbot of Corbeil, besides the Count of Flanders, the Comte d'Albemarle [?],⁵ the Comte *Sauvay*, the

¹ See *Scottish Historical Review*, vi. 13, 174, 282, 383; vii. 56, 160, 271, 377; viii. 22, 159, 276, 377; ix. 69, 159, 278, 390; x. 76.

² 26th August.

³ Froissart describes thus the death of this gallant old King Charles of Bohemia. 'Having heard the order of battle, he enquired where was his son the lord Charles. His attendants answered that they did not know, but believed he was fighting. The king said to them—"Gentlemen, you are all my people, my friends and brethren in arms this day; wherefore, as I am blind, I beseech you to lead me so far into the battle that I may deal one blow with my sword." The knights replied that they would lead him forward at once; and, lest they should lose him in the mellay, they fastened all the reins of their horses together, and put the king at their head, that he might gratify his wish. They advanced against the enemy; the king rode in among them and made good use of his sword. He and his companions fought most gallantly; but they pressed forward so far that they were all killed; and on the morrow they were found on the ground, with their horses all tied together.' (*Froissart*, ch. cxxix.).

⁴ *Archiepiscopus Senonensis Neminensis*. Nimes was not an archiepiscopal see.

⁵ *Comes Daumarle*.

Comte de Blois, the Comte de Mont Villiers, the Comte de *Sainiers* and his brother, the Prior-in-chief of the Hospital of Jerusalem, the High Lord of Rosenburg and chief man in all France after the King, the Vicomte de Turnas, the Lord de Morles, the Lord of Righou, the Lord of Saint-Vinaunt, and many other knights and esquires. More than 20,000 were killed, and people without number of other nations; many were captured and imprisoned, King Philip [saved himself] by flight in arms.

After this the King of England undertook the siege of Calais, which was from old time most hurtful to the English.

Blessed be the Lord God of Israel! who hath visited and redeemed his people and raised up a horn of salvation for us in the house of David, from our enemy!

In the same year, that is 1346, to wit on the vigil of S. Luke the Evangelist,¹ from the root of iniquity in Scotland sprang a stem of evil, from which tree certain branches broke forth, bearing, I trow, a crop of their own nature, the buds, fruit and foliage of much confusion. For in those days there went forth from Scotland the sons of iniquity, persuading many people by saying, 'Come, let us make an end of the nation of England, so that their name shall no more be had in remembrance!' And the saying seemed good in their eyes. Wherefore on the sixth day of October, the Scot assembled, children of accursed Belial, to raise war against God's people, to set a sword upon the land, and to ruin peace. David, like another Ahab deceived by an evil spirit [],² strong men and eager and most ready for war, earls, barons, knights and esquires, with two thousand men-at-arms and 20,000 commonalty of the villages, who are called 'Hobelers' among them, and of foot soldiers and archers it was calculated there were ten thousand and more. Impelled by pride and led by the devil, these invaded England with a lion-like rush, marching straight upon the fortress of Liddel. Sir William of Douglas arrived with his army at the said fortress in the morning, and David in the evening, laid siege thereto on the aforesaid day. For three days running they lay there in a circle, nor did they during the said days allow any attacks to be made on the threatened³ fortress. But on the fourth day, having armed themselves before sunrise with spears, stones, swords and clubs, they delivered assaults from all quarters upon the aforesaid fortress and its defenders. Thus both those within and without the fortress fought fiercely, many being wounded and some slain; until at

¹ 17th October.

² Words missing in original.

³ Prælibato.

length some of the Scottish party furnished with beams and house-timbers, earth, stones and fascines, succeeded in filling up the ditches of the fortress. Then some of the Scots, protected by the shields of men-at-arms, broke through the bottom of the walls with iron tools and many of them entered the said fortress in this manner without more opposition. Knights and armed men entering the fortress killed all whom they found, with few exceptions, and thus obtained full possession of the fortress.

Then Sir Walter de Selby, governor of the fortress, perceiving, alas ! that his death was imminent and that there was no possible means of escape for him, besought grace of King David, imploring him repeatedly that, whereas he had to die, he might die as befitted a knight, and that he might end his last day in the field in combat with one of his enemies. But David would not grant this petition either for prayer or price, being long demented with guile, hardened like another Pharaoh, raging, furious, goaded to madness worse than Herod the enemy of the Most High. Then the knight exclaimed, 'O king, greatly to be feared ! if thou wouldst have me behold thee acting according to the true kingly manner, I trust yet to receive some drops of grace from the most felicitous fountain of thy bounty.'

O, infamous rage of this wicked king ! Alas ! he would not even allow the knight to confess, but commanded him to be beheaded instantly ; and he had hardly ceased speaking when those limbs of the devil, the tyrants torturers who were standing by, carried out in act what he had ordered in speech. And thus these evil men, shedders of blood, wickedly and inhumanely caused human blood to flow through the field. Wherefore shortly after God poured forth upon them abundantly his indignation. Thus, therefore, did these wretches, *ut alteri filii*, bragging over the fate of a just man, stamp their feet and clap their hands, and they marched forth rejoicing, horse, foot and men-at-arms, David and the devil being their leaders.

Coming then to the priory of Lanercost, where dwell the canons, venerable men and servants of God, they entered arrogantly into the sanctuary, threw out the vessels of the temple, plundered the treasury, shattered the bones, stole the jewels, and destroyed as much as they could. Thence these sacrilegious men marched by Naworth Castle and the town of Redpath, and so the army arrived in Tynedale. But the English of the Carlisle district had a truce with the Scots at that time, so that in that march they burnt neither towns nor hamlets nor castles within the

bounds of Carlisle. David then came to Hexham Priory, where the Black Canons dwell, and, as is to be deplored, on that occasion and on others David utterly despoiled the aforesaid priory; for the Scottish army lay there for three whole days, and David took delight in burning, destroying and wrecking the church of God.

Not this the David whom the Lord
To honour did delight;
But quite a different David who
To Christ did show despise.
He proved his evil kind when he
God's altar did defile;
Blacker his guilt when to the flames
He gave the sacred pile.¹

It was, then, not David the warrior, but this David the defæcator who, for some reason or other, strictly ordered that four northern towns should not be burnt, to wit, Hexham, Corbridge, Darlington and Durham, because he intended to obtain his victual from them in the winter season; but a certain proverb saith, 'The bear wanteth one way and his leader another.' Wherefore, although the man himself had laid his plans, we were patiently hoping for something different.

The Scots marched from Hexham to the town of Ebchester, ravaging all parts of the country. Thence, praised be God! they crossed toward the wood of Beaurepair² for our deliverance and

¹ *Non tamen ille David quem Christum sanctificavit,
Sed erat ille David qui Christum inhonoravit.
Quod bene probavit cum super altare cacavit;
Sed plus peccavit quando sacra templa cremavit.*

The reference is to an accident which, it was alleged, happened to the infant David at his baptism. It is characteristic of the monkish spite against everything Scottish that this little mishap was made the subject of unseemly reproach throughout King David's reign. The following lines, which will not bear translation, and seven others which I do not care to quote even in the original Latin, occur in a monkish poem on the Battle of Neville's Cross. (*Political Poems and Songs of the 14th Century*, vol. i. p. 48. Rolls Series. 1859.)

Dum puerum David præsul baptismate lavit,
Ventrem lavavit, baptisterium maculavit.
Fontem fœdavit in quo mingendo cacavit;
Sancta prophavit, olei fæces reseravit.
Brus nimis emunxit, cum stercore sacra perunxit,
Se male disjunxit, urinæ stercore junxit.
Dum baptizatur altare Dei maculatur,
Nam super altare fertur mingendo cacare,
Fac singularis puer hic cælestibus aris
Optulit in primis stercora fœda nimis.

² Now Beupark.

their confusion. David abode in the manor of Beaurepair, sending forth his satellites in all directions, bidding them drive off cattle, burn houses, kill men and harry the country. In like manner as [that other] David seized the poor man's lamb, although he himself possessed sheep and oxen as many as he would; wherefore, according to Scripture, his son died; so did [this] David, a root of iniquity, believing himself like another Antiochus, to possess at least two kingdoms,¹ suddenly attack towns and hamlets, inflict injury upon the people, gather spoil, destroy houses, carry women into captivity, seize men and cattle, and, worst of all, command churches to be burnt and books of law to be thrown into the flames, and thus, alackaday! did he hinder work in the vineyard of the Lord. He caused, I say, a great slaughter of men, and, uplifted in pride, he declared that he would assuredly see London within a very short time; which purpose the Searcher of Hearts caused to fulfil his fate.² Thus this most cruel David was ill at ease, being inspired by the devil and destitute of all kingly grace through his exceeding moroseness.

Who can describe the pride of old men? Scarcely can any one now living reckon up the scourges of the feeble mourners, the groanings of the young people, the weariness of the weepers, the lamentation and wailing of all the humbler folk; for thus [the Scripture] had been actually fulfilled, 'A voice is heard in Rama, and would not be comforted.' Goaded by memories sad and joyful³ I shall not waste time in many words, but pass on briefly to the course of events. Every husband uttered lamentation, and those who were in the bonds of matrimony mourned cheerlessly; young and old, virgins and widows, wailed aloud. It was pitiful to hear. Little children and orphans, crying in the streets, fainted from weeping. Wherefore when the [arch] bishop of York beheld the extreme grief of the people together with the lamentations of the commonalty, he, like, for instance, that other noble priest, the mourning Mattathias, with his five sons, Abaron and Apphus, Gaddis, Thasi and Maccabeus, did not take to flight like a mercenary, but like a good shepherd went forth against the wolves with Sir Henry de Percy, Sir John de Mowbray, Sir Rafe de Neville, Sir Henry de Scrope and Sir Thomas de Rokeby, and chose out of the north men prudent and apt for war, in order to

¹ 1 Maccabees, ch. 1.

² *Ad suum fortunum disposuit implere*, appears to be a misreading of *suam fortunam*.

³ *Præ memoris stimulo jam dolens gaudendo*, seems to be a corrupt reading.

deliver his sheep from the fangs of the wolves. He went to Richmond, and lay there several days with his army; but my lord de Percy, with many other valiant men from all parts remained on watch in the country.

The [arch] bishop, then, moved out of Richmond with his army on the day before the Ides of October,¹ and directed his march along the straight road to Barnard Castle, and on the morrow he and the other commanders reckoned up their force of men-at-arms, cavalry, foot-soldiers and fighting men upon a certain flat-topped hill, near the aforesaid castle. Also the leaders did there set their army in order of battle, etc., as was proper. They arranged themselves in three columns, whereof Sir Henry de Percy commanded the first, Sir Thomas de Rokeby the second, and the [arch] bishop of York the third—a wise father, chaste and pious, shepherd of his flock. These men marched cautiously to the town of Auckland, in no spirit of hatred as Cain [felt] when he slew Abel, nor inflated with any such pride as Absolom's who hung in the tree, putting their trust, not in swords, helmets, lances, corselets, or other gilded armour, but only in the name of Christ, bent upon no invasion but only upon resisting the invaders. Pitching their tents in a certain beautiful woodland near the aforesaid town, the English army spent the whole night there.

At dawn next morning, that is on the vigil of S. Luke the Evangelist,² William de Douglas rode forth from the Scottish army with 500 men to harry the country and gather spoil. Thus the Scots seized their prey in the early morning, but in the evening the English divided the spoil.

On that morning, while the Scots were plundering the town of Merrington, suddenly the weather became inclement, with thick fog. And it came to pass that when they heard the trampling of horses and the shock of armoured men, there fell upon them such a spasm of panic that William and all those with him were utterly at a loss to know which way to turn. Wherefore, as God so willed, they unexpectedly stumbled, to their astonishment, upon the columns of my lord the Archbishop of York and Sir Thomas de Rokeby, by whom many of them were killed, but William and two hundred with him who were on armoured horses, escaped for the time, but not without wounds. Then Robert de Ogle, who is of great strength and not without skill in the art of war, followed them over hill and dale, killing many of the enemy with his own hand, and would not stop until beside a great pool in a

¹ 14th October.

² 17th October.

certain deep woodland glen his charger, being utterly at a standstill, was quite unable to go further. Now came William, greatly heated, to the Scottish army, crying aloud with much excitement, 'David! arise quickly; see! all the English have attacked us.' But David declared that could not be so. 'There are no men in England,' said he, 'but wretched monks, lewd priests, swineherds, cobblers and skinners. They dare not face me: I am safe enough.' But they *did* face him,¹ and, as was afterwards evident, they were feeling his outposts.

'Assuredly,' replied William, 'oh dread king, by thy leave thou wilt find it is otherwise. There are diverse valiant men [among them]; they are advancing quickly upon us and mean to fight.'

But just before he spoke two Black Monks came from Durham to treat with David for a truce. 'See,' said David, 'these false monks are holding conference with me guilefully. For they were detaining me in conclave in order that the English army might attack us while we were thus deceived.'

He ordered them, therefore, to be seized and beheaded at once; but all the Scots were so fully occupied at the time that the monks escaped secretly, serene and scatheless, footing it home without any loss.

On that day David, like another Nebuchadnezzar, caused the fringes of his standard to be made much larger, and declared himself repeatedly to be King of Scots without any hindrance. He ordered his breakfast to be made ready, and said that he would return to it when he had slain the English at the point of the sword.² But soon afterwards, yea very soon after, all his servants had to hurry, allowing the food to fall into the fire. Thus David, prince of fools, wished to catch fish in front of the net, and thereby lost many and caught but few. Therefore he failed to carry out the plan he had laid, because, like Aman and Achitophel, that which he had prepared for us befel himself. So David, having reckoned up his forces, called the Scots to arms—the folk that were eager for war and were about to be scattered; and like Jabin against Joshua, he marshalled three great and strong columns to attack the English. He set Earl Patrick over the first division; but he, like an ignorant fellow, refused to lead the

¹ *Sed illum respexit, should be respexerunt.*

² Reminding one of Napoleon's taunt to Soult on the morning of Waterloo. 'Parceque vous avez été battu par Wellington vous le regardez comme un grand général. Et, moi, je vous dis que Wellington est un mauvais général, que les Anglais sont de mauvaises troupes, et que ce sera l'affaire d'un déjeuner.'

first line, demanding the third, more out of cowardice than eagerness.¹ The Earl of Moray forthwith undertook his [Earl Patrick's] duty, and so held chief command in the first division of the army, and afterwards expired in the battle. With him were many of the valiant men of Scotland, such as the Earl of Stratherne, the Earl of Fife, John de Douglas, brother of William de Douglas, Sir Alexander de Ramsay,² and many other powerful earls and barons, knights and esquires, all of one mind, raging madly with unbridled hatred against the English, pressing forward without pause, relying on their own strength, and, like Satan, bursting with over-weening pride, they all thought to reach the stars.

King David himself commanded the second division—not, however that David of whom they sang in the dance that he had put ten thousand to flight in battle, but that David of whom they declared in public that his stench and ordure had defiled the altar. With him he took the Earl of Buchan,³ Malcolm Fleming, Sir Alexander de Straghern (father and son without the holy spirit),⁴ the Earl of Menteith,⁵ and many others whom we do not know, and whom if we did know, it would be tedious to enumerate. In the third division was Earl Patrick, who should have been more appropriately named by his countrymen 'Non hic.'⁶ He was late in coming, but he did splendidly, standing all the time afar off, like another Peter; but he would not wait to see the end of the business. In that battle he hurt

¹ This seems to be the meaning of the passage, whence some words have probably dropped out. *Sed ipse, sicut sciolus abnegans principium fiet postulavit.*

² He means Sir William de Ramsay. Sir Alexander had been starved to death by 'the Flower of Chivalry' in Hermitage Castle.

³ There was no Earl of Buchan at this time. Sir Henry de Beaumont was recognised as Earl in 1312 in right of his wife, a niece of John Comyn, last Earl of Buchan in the Comyn line; but Sir Henry died in 1340, and his son, Sir John, never claimed the title.

⁴ Sir Malcolm Fleming of Cumbernauld was created Earl of Wigtown in 1341. The name of his son is not known. Sir Malcolm survived him, and was succeeded in the earldom by his grandson Thomas.

⁵ Sir John Graham, Earl of Menteith in right of his wife, who inherited from her uncle Murdach, eighth earl in the Celtic line, killed at Dupplin Moor in 1332. John Earl of Menteith was taken prisoner at Neville's Cross and executed in London in March, 1347.

⁶ Patrick, 9th Earl of Dunbar. In Stevenson's text the sense of this pleasantry is marred by the misplacement of a comma after *patria*. The passage should run, *Comes Patrik, sed melius vocaretur de patria non hic.*

no man, because he intended to take holy orders and to celebrate mass for the Scots who were killed, knowing how salutary it is to beseech the Lord for the peace of the departed. Nay, at that very time he was a priest, because he led the way in flight for others.¹

His colleague was Robert Stewart ;² if one was worth little the other was worth nothing. Overcome by cowardice, he broke his vow to God that he would never await the first blow in battle. He flies with the priest [Earl Patrick], and as a good cleric, will assist the mass to be celebrated by the other. These two, turning their backs, fought with great success, for they entered Scotland with their division and without a single wound ; and so they led off the dance, leaving David to dance as he felt inclined.

About the third hour the English army attacked the Scots not far from Durham, the Earl of Angus³ being in the first division, a noble personage among all those of England, of high courage and remarkable probity, ever ready to fight with spirit for his country, whose good deeds no tongue would suffice to tell.

Sir Henry de Percy, like another Judas Maccabeus, the son of Mattathias, was a fine fighter. This knight, small of stature but sagacious, encouraged all men to take the field by putting himself in the forefront of the battle. Sir Rafe de Neville, an honest and valiant man, bold, wary and greatly to be feared, fought to such effect in the aforesaid battle that, as afterwards appeared, his blows left their marks upon the enemy. Nor was Sir Henry de Scrope behindhand, but had taken his post from the first in the front of the fight, pressing on the enemy.

In command of the second division was my lord the Archbishop of York, who, having assembled his men, blessed them all, which devout blessing, by God's grace, took good effect. There was also another bishop of the order of Minorite Friars, who, by way of benediction, commanded the English to fight manfully, always adding that, under the utmost penalty, no man should give quarter to the Scots ; and when he attacked the enemy he gave them no indulgence of days from punishment or sin, but severe penance and good absolution with a certain cudgel. He had such power

¹ Another sarcasm, which cannot be rendered in English, the play being on the words *Presbyter* and *præbuit iter*.

² King David's nephew and heir-presumptive : afterwards Robert II.

³ Gilbert de Umfraville, 4th Earl of Angus in the English line, g.-grandson of Matilda, who succeeded to the earldom from her uncle Malcolm, 5th and last earl in the Celtic line

at that time that, with the aforesaid cudgel and without confession of any kind, he absolved the Scots from every lawful act.

In the third division Sir John de Mowbray, deriving his name *a re*, was abounding in grace and merit. His auspicious renown deserves to be published far and wide with ungrudging praise, for he and all his men behaved in such manner as should earn them honour for all time to come. Sir Thomas de Rokeby, like a noble leader, presented such a cup to the Scots that, once they had tasted it, they had no wish for another draught; and thus he was an example to all beholders of how to fight gallantly for the sacred cause of fatherland. John of Coupland dealt such blows among the enemy that it was said that those who felt the weight of his buffets were not fit to fight any longer.

Then with trumpets blaring, shields clashing, arrows flying, lances thrusting, wounded men yelling and troops shouting, the conflict ended about the hour of vespers, amid sundered armour, broken heads, and, oh how sad! many laid low on the field. The Scots were in full flight, our men slaying them. Praise be to the Most High! victory on that day was with the English. And thus, through the prayers of the blessed Virgin Mary and Saint Cuthbert, confessor of Christ, David and the flower of Scotland fell, by the just award of God, into the pit which they themselves had dug.

This battle, therefore, as aforesaid was fought between the English and the Scots, wherein but few Englishmen were killed, but nearly the whole of the army of Scotland was either captured or slain. For in that battle fell Robert Earl of Moray,¹ Maurice Earl of Stratherne, together with the best of the army of Scotland. But David, so-called King of Scotland, was taken prisoner, together with the Earls of Fife, of Menteith, and of Wigtown, and Sir William of Douglas and, in addition, a great number of men-at-arms. Not long afterwards, the aforesaid David King of Scots was taken to London with many of the more distinguished captives and confined in prison, the Earl of Menteith being there drawn and hanged, quartered, and his limbs sent to various places in England and Scotland. But one of the aforesaid captives, to wit, my lord Malcolm Fleming, Earl of Wigtown, was not sent to London by reason of his infirmity, but, grievous to say! was allowed to escape at Bothall through the treachery of his guardian, a certain esquire named Robert

¹His name was not Robert, but John. He was second son of Thomas Randolph, 1st Earl of Moray, and succeeded his brother Thomas as 3rd Earl in 1332.

de la Vale, and thus returned to Scotland without having to pay ransom.

After the aforesaid battle of Durham, my lord Henry de Percy being ill, my lord of Angus and Ralph de Neville went to Scotland, received Roxburgh Castle on sure terms, patrolled the Marches of Scotland, exacting tribute from certain persons beyond the Scottish sea, received others to fealty, and returned to England, not without some losses to their army.

- Explicit Chronicon de Lanercost.

Reviews of Books

THE CANON LAW IN MEDIAEVAL ENGLAND. By Arthur Ogle, M.A.,
Rector of Otham, Maidstone. Pp. xxi, 220. Demy 8vo. London :
John Murray. 1912. 6s. net.

THIS book is the last word in an old and interesting controversy. In England since the Reformation the King has been 'over all persons and in all causes within his dominions supreme.' But before that event certain departments of the law were administered by ecclesiastical judges in accordance with laws which the secular power could not initiate. Part of this jurisprudence is still the law of the land. Where did it come from? The legally orthodox view is that it is the common law of the Church of England, the *Jus commune ecclesiasticum* of the kingdom, *plus* such portions of the 'Roman' canon law as were 'received' in England, and the legislation of English Councils, legatine and provincial. In strong contrast to this doctrine stands the theory set forth by Professor F. W. Maitland in his *Roman Canon Law in the Church of England*, 1898. He maintains that the *Jus commune ecclesiasticum* of England, as of every other Catholic country, was the 'Roman' canon law, to which the English legislation aforesaid was merely ancillary; but modified by a small body (as he considered it) of custom, 'prescript and laudable,' and limited in its scope by the action of the secular courts which in many matters administered their own law and would not allow the canon law to be administered.

Twenty years earlier the matter had been stated somewhat differently by Canon (afterwards Bishop) Stubbs, the greatest and the most conservative of our historians of the Middle Ages, in his *Constitutional History*. There, after enumerating the sources of canon law, viz. the constitutions of Popes, Councils, Legates, Archbishops and Bishops, he says, 'All were regarded as binding on the faithful within their sphere of operation, and, except where they came into collision with the rights of the Crown, common law or statute, they were recognised as authoritative in ecclesiastical procedure.' This says nothing of difference of authority between 'foreign' and 'national' legislation, and might have been written by a sharer of Maitland's views. But a few years later Stubbs subscribed the Report of the Ecclesiastical Courts Commission, which states that 'the canon law of Rome, although regarded as of great authority in England, was not held to be binding on the Courts.' In an Appendix to that Report he says that the canons of the Legatine Councils 'which might possibly be treated as in themselves wanting the sanction of the national church, were ratified in Councils held by (Archbishop) Peckham.' And about the same time he stated in a lecture

that the constitutions of Legates and Archbishops collected by Ayton and Lyndwood respectively 'became the authoritative canon law of the realm.'

It is not wonderful that Maitland cited Stubbs as 'the most illustrious supporter of the doctrine opposed to his own. Is that a correct statement of Stubbs' position? The Bishop survived the publication of Maitland's book three years, but he made no reply to it. Indeed he is known to have said in conversation that 'he was not prepared to dissent from Professor Maitland's view.' That this does not imply that Stubbs agreed with Maitland, may be conceded to Mr. Ogle; Maitland's is not a definitive conclusion, but a thesis to be tested by more thorough study. But what is the exact difference between the positions of the two? That question I do not find so easy as Mr. Ogle does. Stubbs held that the 'canon law of Rome' was not held to be binding on the courts. If he meant the courts Christian, why did he choose as his example the case of the canon law of legitimation *per subsequens matrimonium*, which was accepted by the Anglican church but rejected by the state? The paragraph which denies authority to the 'foreign' canon law goes on to define the relation of the state to the legislation of the national church, and may be summed up thus: Papal legislation, if unacceptable to the King's courts, could not be acted upon; national church legislation, if unacceptable, could not be enacted. Lyndwood's code, says Stubbs, was the authoritative canon law of the realm, yet 'it was rather as the work of an expert than as a body of statutes that it had its chief force.' And the observation which follows, that 'the study of the canon law was a scientific and professional, not merely mechanical study,' seems to exclude the notion that Stubbs meant to ascribe either to Lyndwood or to Peckham (for instance) authority in any sense which would deny a like authority to Pope or foreign canonist. Again, did Stubbs mean to attribute to the legatine constitutions, after their ratification by Peckham's Council, a binding force which before such ratification they lacked? Could such a view be maintained against the plain statement of Lyndwood that Pope ranks above legate, legate above archbishop (just as the word of the commander-in-chief is of more weight than that of his second in command, and the word of the second in command than that of a general of division)? Altogether, I see no sufficient reason to doubt that Stubbs accepted Maitland's view so far as it goes.¹

But I conceive the true reason of the distrust with which Maitland's book was received and is still regarded by many scholars, is to be found in his hint as to its possible bearing on 'the continuity and discontinuity of English ecclesiastical affairs.' This is of course a matter of feeling; Maitland very properly gave it the go-by. Notwithstanding which, it appears that a Welsh Member of Parliament has got hold of

¹The valuable essay by the Dean of Arches (*Quarterly Review* for October, 1912), which has appeared since this review was put in type, sets forth Bishop Stubbs' latest views, unknown to me as to Mr. Ogle. The conclusion of the whole matter is that Stubbs regarded the Papal decretals 'not (like Maitland) as statute law, but rather as case law.' Both are definitions by way of analogy—the only question between the two authorities comes to be, which analogy is the closer? I prefer Stubbs. But the issue is surely a narrow one.

Maitland's book, and pressed him into the service of Welsh Disendowment, declaring that 'Professor Maitland has advanced arguments to establish the absolute identity of the ecclesiastical legal system of the pre-Reformation Church of England with that of the contemporary Church of Rome.' And so Mr. Ogle in the book before us, having (as he tells us) already satisfied himself that Maitland's thesis so far as true is not new and so far as new is not true, has taken the opportunity of publishing, as a contribution to current politics, his reasons for that opinion. At the end of his first chapter he asks the reader to dismiss from his mind Disestablishment and Disendowment; but he does not set the example. Maitland is treated throughout as men treat their political opponents. His other works, even the chapter on Marriage in the *History of English Law*, even the little skirmish with Canon Maccoll, seem known to Mr. Ogle by hearsay only: he knows that Maitland laid no claim to profound knowledge of canon law—of differing measures of profundity he recks not. So the great scholar is held up as one who consulted Lyndwood by the index and read him no further than the rubrics. Which makes one laugh—the Professor who advised his freshmen to read the newspapers would probably have laughed too. But if Maitland had been alive, and had thought fit to answer, it might have been more entertaining still. There are two sides to every question, especially in politics.

Sometimes Mr. Ogle scores a point—it is rash to differ from Maitland, but Mr. Ogle appears to be right as to the interpretation of the gloss in Lyndwood about 'Procurations,' *Ubi consuetudo summam procurationis non limitat*, which Maitland seems to refer to the case of prelates other than archdeacons; Mr. Ogle refers it to the case of archdeacons elsewhere than in England.¹ Again, Maitland's description of Lyndwood's work as 'a manual for beginners' is loose—a beginner ought certainly to mean one who intends to go on. The *viri ecclesiastici simplices* for whose profit Lyndwood wrote (as he tells us), wanted not instruction, but a book of reference. But does Mr. Ogle make any impression on Maitland's position? He sees that it is not so very remote from Stubbs', and Stubbs' position is what he stands for—so to him as to Maitland the *Jus commune ecclesiasticum* is not (as it is to the orthodox lawyer) the 'King's ecclesiastical law,' but the *Corpus Juris Canonici*. He has to confine himself to such of Maitland's assertions as are not countenanced by Stubbs. Has he proved that the courts Christian, when unfettered by the King's judges, ever rejected a decretal on the ground that it was contrary to the constitution of a national or provincial council? I think not. Has he proved that a decretal lacked 'binding force' in England, in any other sense than that it could be rendered inoperative by the King's judges? A distinction has to be drawn here.

¹ Lyndwood wrote before the loss of England's possessions in France. I ought to add that the statement, made on the authority of an obviously corrupt gloss of John of Ayton, that English Bishops exacted no Procurations, could easily be refuted by Record. As to the assertion that they made no visitations, is it for a champion of 'the continuity of English ecclesiastical affairs' to accept so light-heartedly a splenetic statement reflecting so seriously on his predecessors? Neglect there doubtless was, but it was not universal.

Of executive acts, specially provisions to benefices, the validity could be contested on many grounds—even individual Bishops could in practice exercise a good deal of discretion in such cases, and in a competition it was by no means always the Papal nominee who prevailed—that is true not only in England where questions of patronage were decided by the King's courts, but also in Scotland where they were decided by the courts Christian. But was the legislation of the Popes of like uncertain operation? It has not been proved. That a Papal decree 'cannot execute itself' is true, but the same is true of all church courts. No such court could inflict any punishment except ecclesiastical censures; it was for the civil courts to apply the temporal consequences—did they ever refuse to do so on the ground¹ that the censuring authority was 'foreign'?

As to the extent to which canon law in England was modified by national (Mr. Ogle will not have it called local) custom, that has been always a strong point with the lawyers—a judge in a celebrated case spoke of England as *patria consuetudinaria*. It is pre-eminently a question to be looked at by dry light. Maitland is suspected of having belittled the effect of custom in the interests of his thesis. Mr. Ogle's remarks are largely repetitions of Maitland's with the accentuation changed. But he can show that Lyndwood sometimes imputed to custom what really originated in the action of the civil courts. Which is all right; only in counting up the differences between 'English' and 'foreign' canon law, we must not reckon the same thing twice. Mr. Ogle claims to have found one English custom overlooked by Maitland, that a beneficed clerk could bequeath even his *bona ecclesiae contemplatione acquisita*. But the rule of canon law to the contrary, says Joseph Robertson,² 'was seldom or never proclaimed without some hesitation or reserve,' and 'even where the rule was peremptory, it was not always inflexibly applied.' So in this the English were not so *penitus toto divisi orbe* as a reader of Mr. Ogle might suppose. And was this custom of old standing in England or was it merely a tolerated irregularity? Certainly the Calendars of the Papal Registers supply many instances of English clergymen obtaining the Pope's license to make wills; but these grow rarer in Lyndwood's day.

Again, it is surely going rather far to speak of the assignation of the cognisance of testamentary causes to the courts Christian as 'an immense breach in the Roman canon law.' By that law it was the duty of the Bishop to look after legacies to pious objects; the most reasonable account of the English arrangement is that our ancestors regarded a will as primarily a provision for the weal of the testator's soul by liberality to Holy Church³; to which the taking thought for relatives and dependants made a natural appendix. As for the 'characteristically mediaeval deal' by which Mr. Ogle, turning Maitland's rhetoric into logic, says that the advowson was

¹ Leaving out of account cases such as arose in the reign of John.

² *Statuta Ecclesiae Scoticanæ*, i. c. I owe this reference to Mr. R. K. Hannay. The examples given are continental.

³ See Pollock and Maitland, ii. 332 ff.

assigned to the secular and the testament to the ecclesiastical court, what then is to be said of Scotland, where the Church looked after both one and the other?

Enough of fault-finding—a good rousing philippic against Welsh Dis-establishment all good Tories (and, it is believed, many good Liberals) could enjoy. A thorough examination of Maitland's book by a scholar soaked in mediaeval record would be a real gain to learning. But the two do not mix well. As for the 'continuity of the Anglican church,' with deep humility I suggest that if it was not broken by the substitution of royal for Papal supremacy, it may have survived the change of the authority for its canon law, especially when so much of the substance of the law itself was conserved.

But the most interesting part of Mr. Ogle's reply is that which repudiates the sharp line drawn by Maitland between church legislation and state legislation affecting the church, and (partly following suggestions of Maitland's) welcomes certain measures which might be deemed encroachments on the part of the royal authority as having proved beneficial to the church—state and church being alike organs of a Christian nation. And, if I understand him aright, he regards this interaction of the two powers as a process which found its fit and providential climax in their consolidation in the hands of Henry VIII. This is a conclusion which, to put it mildly, study of the middle ages does not assist one to grasp. Marsilius is far off the beaten track of mediaeval thought. But it is quite in line with English case-law, and it contains the germ of a noble *apologia pro ecclesia Anglicana*—if it is a peculiarly and characteristically English conception, no true Englishman will think or ought to think the worse of it for that.

J. MAITLAND THOMSON.

REPORT AND INVENTORY OF MONUMENTS AND CONSTRUCTIONS IN THE COUNTY OF WIGTOWN. Issued by the Royal Commission on the Ancient and Historical Monuments and Constructions of Scotland. Pp. xlv, 196. With numerous Illustrations. 8vo. London: His Majesty's Stationery Office. 1912. 6s. 6d. net.

THE Royal Commissioners acknowledge in all their volumes their obligation to their Secretary, Mr. A. O. Curle; the reports on Sutherland, Caithness, and Wigtown are due almost entirely to him.

Mr. Curle's report on Wigtownshire is a valuable contribution to archaeology. His strength lies in his clear, unbiased description of what he has discovered, carefully examined, and measured. It is not so strong in his history of the districts. He accepts the old often-repeated and only half accurate stories of tribes and missionaries and kings ancient and modern; it is when he is on the hillside, on the dangerous cliffs above the sea, seeing earth work and mason work which others have not detected as artificial, that he is an antiquary and guide of rare capacity.

It is pleasant to find that he attributes many of the hut circles and curious narrow, low, almost uninhabitable constructions as probably not the abodes of human beings, but 'erected in connection with pastoral occupation over many centuries of time.' These may have been used as

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sleeping places by those in charge of flocks on the hill pasture, but from their position and size it is unlikely that they were the dwellings of a debased diminutive race of men.

There are many small lochs in Wigtownshire, and in most of these are the remains of crannogs, little artificial islands connected with the land by causeways. It is uncertain for what purpose these were made, probably as a safe place in troubled times to keep cattle and their caretakers.

Another class of monuments, to the inspection and measurement of which Mr. Curle devoted much care, are promontory forts, places of safety both from attacks from the sea and from robbers and unfriendly neighbours on the land side.

There are notices of the examination of many other forts, entrenchments, cairns, stone circles, standing and inscribed stones, illustrated by good photographs and wood cuts from the *Transactions* of the Society of Antiquaries.

Coming down to comparatively recent times, Mr. Curle differs from Mr. Skene and others, and finds Wigtownshire more devoid of signs of Roman occupation than any other district of southern Scotland.

The most interesting antiquities in this county are the churches and crosses and caves at Whithorn, St. Ninian's kirk, Isle of Whithorn, etc., which are connected with Ninian, who commenced his missionary labours in Galloway about A.D. 396.

There are eleven mote-hills in the county connected with medieval baronies; none of them are of great size or of much importance.

Wigtownshire is poor in old churches and monasteries. The priory of Whithorn is ruined and the remains unimportant, except a fine Norman door, which has suffered from alterations. The buildings of the abbey of Glenluce probably were never very beautiful; nothing now remains of an earlier date than the beginning of the sixteenth century. The old feudal castles were long ago demolished; there are some baronial castles of the latter part of the fifteenth century, and several domestic houses of the sixteenth and seventeenth centuries. All of these have been often pictured and described by Billings, M'Gibbon, and Ross, and others.

In this volume there are good reproductions of photographs of Mochrum, Castle Kennedy, Dunskey, etc.

When the ancient remains in all the Scottish counties have been systematically examined with the same accuracy, there will be ample material from which to draw conclusions as to the approximate dates and probable use of the numerous forts and earthworks, crannogs, brochs, cup-marked and other inscribed stones, and how far they are similar and how far different from similar remains in other countries.

Every one who cares for the antiquities of Scotland ought to possess these reports of the Royal Commission, and every one who reads them will admire and be grateful to Mr. Curle.

A. C. LAWRIE.

LAWYERS' MERRIMENTS. By David Murray, LL.D., F.S.A. Pp. xiv, 302. With Illustrations. 8vo. Glasgow: James MacLehose & Sons. 1912. 7s. 6d. net.

DR. MURRAY might have taken as the motto of this volume the words of Montaigne: 'Ce sont icy mes fantasies, par lesquelles je ne tasche point à

donner à connoistre les choses, may moy. . . . A mesme que mes resveries se presentent, je les entasse ; tantost elles se presentent en foule, tantost elles se traînent à la file.' For the most part his 'resveries' present themselves 'en foule,' and suggest the hurried activity of a shipmaster in the course of jettisoning part of the cargo of his heavy-laden galleon. The reader finds himself struggling in the midst of Goldastus, Raymond Lull, de Thou, Bartolus, Lord Deas, and a mixed cargo of jurists and antiquaries, who have been read, annotated, examined, opened or looked at by the author. The situation recalls the shipwreck in the *Satyricon* of Petronius Arbiter rather than that of St. Paul, but 'on revient toujours à la mer où il est doux de faire naufrage.'

The volume is neither a *catalogue raisonné* nor a collection of *faits divers* ; it belongs to the world of Jerome Cardan and Robert Burton, and one can picture these worthies greeting its author with a whimsical smile of welcome. Its charm lies not in its learning, but in the personal note which sounds through its crowded pages. It is a note that is classic and unmistakable, with its lift of sober eloquence and impatience with the outer world of barbarians. What reader can resist it ?

'I attended my first book auction, on the High Street of Ayr, in the summer of 1852, and made a few small purchases, more in accordance with my finances than my wishes. I had been a collector even earlier, and have been so ever since. . . . One's library may seem a poor thing to the cold and indifferent outside, and badly selected to those of different tastes. "Guenille, si l'on veut ; ma guenille m'est chère."'

The learned author will permit us to take leave of him with the Spanish proverb : 'Dios te guarde de parrafo de legista, De infra de Canonista, De etcetera de escribano y de recipe de medico.'

DAVID BAIRD SMITH.

CATALOGUE OF OXFORD PORTRAITS. By Mrs. Reginald Lane Poole.
Vol. I. Pp. xxxii, 278. With many Illustrations. 8vo. Oxford :
The Clarendon Press. 1912. 12s. 6d. net.

To people of a certain habit of mind the interest of portraiture far transcends that of any other form of art. But while portrait painting may be one of the noblest mediums of artistic expression, and not a few of the greatest pictures in the world are portraits, its primary interest to many is not the aesthetic charm or insight shown in its conception, or the technical power with which it is laid down and carried out. To these its chief appeal lies in the purely subjective elements—in the record given of the appearance and bearing of those who have made history or have contributed to the progress of the race, and the side-lights thrown upon particular epochs by the bringing together of a series of portraits of the chief actors in them. As the great mass of engraved portraits, from the times of Durer until the introduction of process-reproduction, shows, portraiture for its own sake has always been a subject of social curiosity or historical investigation ; and the institution of the National Portrait Galleries, and of museums like the Carnavelet in Paris, has led to an increased and more public interest in such matters, and a more exact and scholarly treatment of them.

Systematic study has been further facilitated and stimulated by the organization of general or more restricted loan exhibitions, of which the most recent of importance were the series of university portraits held at Oxford in the years 1904-5-6, the show of early English portraiture arranged by the Burlington Club in 1909, and the Scottish collection brought together at Glasgow last year. And the development of photography and the introduction of cheap reproductive methods have not only added greatly to the means of comparison available, but have extended the use of portrait illustration until it has become a definite and almost indispensable adjunct to history and biography.

As already indicated, the Oxford exhibitions were amongst the most important collections of the kind that have been brought together. Confined, with a few exceptions, to works owned locally, the 570 portraits then shown were of course limited in scope to those of people more or less connected with learning and associated with Oxford. But if this limited the interest and deprived the exhibitions of the richness of contrast possessed by collections embracing a more varied field, it concentrated attention upon the great part played by Oxford in the public affairs of England. These portraits were all described, and many were illustrated, in the memorial catalogues issued at the time, and now Mrs. Reginald Lane Poole has published, through the Clarendon Press, the first volume of a work in which all the portraits belonging to the university, colleges, city and county of Oxford are to be catalogued. The undertaking is an extensive one, and involves an amount of careful study and exact research of which only those who have had some experience of similar work have any idea; but Mrs. Poole's courage and patience have been equal to the long strain, and the volume just issued gives a detailed and elaborate account of the portraits in the University Collections and the Town and County Halls.

In an introduction Mrs. Poole tells the story of the foundation and growth of the Bodleian Collection (1602), the Ashmolean Museum (1683), and the University Galleries (1845), and indicates the causes which have given each of these collections a special character. The catalogue, which is divided into sections dealing with the separate institutions, each arranged chronologically, has been carried out on the best lines, and gives, in addition to short biographies, a concise description of each portrait, with its dimensions, a statement as to when it was acquired and how, mention of the chief reproductions, and now and then a note about other versions. Reproductions of some eighty portraits are given, and, as those illustrated in the catalogues of the Oxford Exhibitions (very few of which are given over again) are indicated in the descriptions by an asterisk, the work when completed will form a very complete and useful record of all portraits in Oxford and of where reproductions of the more important are to be found. The volume is an admirable piece of work. Mrs. Poole deserves great credit for the adequate accomplishment of a difficult and rather thankless task.

JAMES L. CAW.

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SIR HENRY SAVILE

From *Catalogue of Oxford Portraits* by Mrs. Lane Poole.



COMPANION TO ROMAN HISTORY. By H. Stuart Jones, M.A. Pp. xii, 472. With 80 plates, 65 other illustrations, and 7 maps. Demy 8vo. Oxford: Clarendon Press. 1912. 15s. net.

THE task of producing a comprehensive handbook of this sort was anything but easy. It has been discharged with a thoroughness and success that call for the warmest commendation. Mr. Stuart Jones's qualifications for the undertaking were, of course, exceptional. An excellent scholar and a highly competent archaeologist, he had the added advantage of having served for some time as Director of the British School at Rome, and of having gained in this way an invaluable acquaintance with local conditions and with actual remains. As a result, he has given us a manual which is far in advance of anything of the kind that has yet seen the light, and which is not likely to be superseded for many a year to come.

An introductory chapter summarizes the present position of our knowledge regarding the prehistoric problems connected with the Italian peninsula, sketches the development of the town and land system, describes the growth of Rome itself from its first beginnings to the days of its greatest prosperity, and concludes with a succinct account of the roads and sea-routes that furnished the main arteries for trade and intercourse under Republic and Empire. Then follow 130 pages devoted to 'Architecture.' The allowance may seem generous, but every inch of the space is required to accommodate the mass of material that is grouped together under this one general heading. The various types of structure are dealt with separately, Vitruvian lore being aptly illuminated by discussion of the more important surviving examples. To those who have not visited the Saalburg Museum, the most novel section of the chapter on 'War' will be that which treats of Roman artillery. Besides this, however, it contains much that is not accessible in equally convenient form anywhere else. One cannot help regretting that the organization of the army had to be dismissed so briefly.

The subjects of the remaining chapters are 'Religion,' 'Production and Distribution,' 'Money,' 'Public Amusements,' and 'Art.' Of these, that upon 'Money' is the slightest; it should have given references to Haeberlin's *Corpus* of Aes Grave and to Willers's *Geschichte der römischen Kupferprägung*, the latter of which has rather upset orthodox views as to the arrangement made *circa* 15 B.C. between Augustus and the Senate. The chapter on 'Production and Distribution,' on the other hand, is among the best in the volume. There are few indeed who will not learn a great deal from what it has to say of agriculture, of industry and commerce, of handicrafts and manufactures.

Mr. Stuart Jones writes clearly and well, so that the volume is readable in spite of the closeness with which the information is necessarily packed. In his selection of illustrations he has displayed both catholicity of taste and soundness of judgment. It is a pity that the reproductions are not always satisfactory. The tombstone of the centurion M. Caelius, for example, on p. 205, is particularly disappointing. Improvement in such details may be effected when the book is reprinted, as it is quite certain to be ere long.

GEORGE MACDONALD.

THE HISTORY OF CRIEFF FROM THE EARLIEST TIMES TO THE DAWN OF THE TWENTIETH CENTURY. By Alexander Porteous, F.S.A.Scot. With Introduction by the Rev. W. P. Paterson, D.D., Professor of Divinity in the University of Edinburgh. Pp. xviii, 423. With numerous Illustrations. 4to. Edinburgh : Oliphant, Anderson & Ferrier. 1912. 21s. net.

WHEN it is said that in this profusely illustrated and handsome volume the portraits of the first town councillors of Crieff are the product of a photographic studio, not much will probably be expected in the way of historic annals. And yet this town on the Highland border, chiefly known to outsiders as a popular health resort, though it did not become a police burgh governed by its own magistrates till 1864, had its origin in a period too remote to be definitely traced. The story of the town and its neighbourhood is worth telling, and has been well told by Mr. Porteous, who begins his narrative by giving some account of the Roman remains discovered in the district, the roads and camps which are still visible, and he likewise alludes to the invasion of Strathearn by Egfrid of Northumbria, then marching to meet his fate at Nechtanmere.

Coming to the twelfth century, when charters make their appearance, the earls of Strathearn are identified as lords of the soil and founders of the abbey of Inchaffrey. In one of the abbey charters the name of Crieff is found on record for the first time, the 'parson of Cref' being one of the witnesses. It is thus as a kirk town, the centre of a parish, that the place comes into notice, but any ecclesiastical importance which may have attached to it in the early centuries was somewhat lessened by annexation of the parsonage to the Chapel Royal of Stirling some sixty years before the Reformation. Subsequent to the Reformation a proposal to make Crieff the seat of a presbytery did not receive effect, and since that time the church history of the town and parish is in the main uneventful, though the ministerial roll contains the names of some men of note. Principal Cunningham, who wrote the *History of the Church of Scotland*, was minister of the parish between 1845 and 1886, and was succeeded by the present Professor of Divinity in Edinburgh University, Dr. Paterson, who contributes an appreciative introduction to this volume. Dr. Thomas M'Crie, son of the author of the *Life of Knox*, and himself a prolific writer on various subjects, was for four years an Anti-burgher minister in Crieff.

The old statistical account of the parish was written by Robert Stirling, who became minister in 1770, when the population of the town and parish was under 2000. Alluding to the primitive customs of the period, he quaintly attributes a rise in church-door collections to the effect of the increasing 'luxury and vanity of the lower classes.' About the year 1778 female servants and others of that rank began first to wear ribbons, and, conscious of attracting superior notice, they also displayed greater charity.

In the latter days of heritable jurisdictions, and succeeding to the hereditary stewards and mairs of Strathearn, whose open-air courts were held at a place called the 'Skath of Crieff,' owners of no fewer than three baronies had each a share in the judicial supervision of the town. The Drummond family ruled over two-thirds of it, and in 1685 they built a tolbooth as a

substitute for the 'Skath.' In the cattle-lifting days many a Highland riever passed from the 'Skath' to the 'kind gallows of Crieff,' a designation given to the local gibbet for reasons which cannot be satisfactorily explained. In a note to *Waverley* Sir Walter Scott mentions that the Highlanders used to touch their bonnets as they passed the spot which had been fatal to many of their countrymen, with the ejaculation, 'God bless her nain sell and the Teil tamn you.' The stocks and part of the gallows are still preserved as relics. A market cross was erected by a Drummond baron two hundred years ago, and one of his successors, Lord Willoughby de Eresby, gifted it to the town in 1852. The other two baronies, which between them absorbed the remainder of the town, bore the names of Crieff and Broich respectively. Each of the three barons appointed a bailie, by whom courts were held for his special district. Mr. Porteous gives some extracts from the court book of Crieff barony. By an act of atrocious vandalism the records of the steward court of Strathearn, consisting of forty large vellum-bound volumes, were destroyed so recently as the year 1798. Two companies of the Sutherland Fencibles, at that time stationed in Crieff and occupying the tolbooth as a guard-room, ruthlessly used the books as fuel.

Mr. Porteous has treated his subject in sections, each topic being discussed in a continuous historical narrative. His opening chapters deal with ancient history and early juridical procedure. Ecclesiastical, industrial, and educational history follow; and after treating of municipal, military, and political matters, the modes of communication and social history, the book concludes with biographical sketches of the more distinguished townsmen.

Of industries, the brewing of ale and beer takes an early and prominent place. Distilling came later, and from the second half of the eighteenth century down to about the year 1837 the various distilleries and breweries gave employment to a large number of persons. One of the distilleries was so well conducted as to be reputed the 'rendezvous for all that was bright in intellect in Crieff.' A slight mishap, however, occurred on the occasion of a big copper kettle being placed in position. A dinner to twenty-two guests was given inside the kettle, and some of them got so 'helplessly drunk' that they could not get out till next morning. A linen factory was established in 1763, papermaking in 1731, and the hand-loom weavers, who formed themselves into a benefit society in 1770 and later on possessed a hall for their meetings, flourished till near the middle of last century. These and many other industries, both those which have finished their course and those which still survive, are duly chronicled. A great cattle market, or 'tryst,' as it was called, held at Michaelmas yearly, is traced back to the period when the Lowlanders were afraid to enter the mountain fastnesses, and Crieff was mutually chosen by Highlanders and Lowlanders as the meeting place for the purchase and sale of black cattle. The Celtic bard, Robert Donn, attended the market on one occasion, and he speaks of 'counting droves in the enclosures of Crieff.' Much against the will of cattle dealers in the north, the 'tryst' for black cattle was transferred to Falkirk in 1770.

The chapters on social history, with entertaining extracts from Miss Wright's *Journal*, will probably be best liked, especially by Crieff people.

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The illustrations, already alluded to, consisting chiefly of portraits, are well executed, but so much cannot be said for the maps, which, on account of their small lettering and general want of clearness, are not of much assistance to the reader.

ROBERT RENWICK.

THE CONSTITUTION AND FINANCE OF ENGLISH, SCOTTISH AND IRISH JOINT-STOCK COMPANIES TO 1720. By William Robert Scott, M.A., D.Phil., Litt.D. Volume III. The General Development of the Joint-Stock System to 1720. Pp. lvi, 488. Royal 8vo. Cambridge: University Press. 1912. 17s. net.

DR. SCOTT published Volumes II. and III. of his book, giving the detailed history of each company individually, before Volume I., in which the results of his valuable researches are treated comparatively, that is, the history and development of the joint-stock system are treated as a whole, and its relation to and influence on the general economic conditions of the country are shown. As the joint-stock organisation was made use of to promote almost every branch of trade and industry, to found colonies, drain land, develop insurance and banking, its importance in the history of the economic development of Britain can hardly be overestimated.

This type of organisation gave opportunities of investing to those unable to take an active part in commercial or manufacturing concerns, and therefore helped to undermine the restrictions of craft guilds and regulated companies, and, by giving facilities for the use of capital, helped the growth of credit which was so important a feature in economic development. The fortunes of the companies varied with the general prosperity of the country, and their history therefore includes much of the financial history of England and of the Crown, and also gives valuable information and data for the study of the theory of financial crises. Throughout the volume the gradual growth of a measure of uniformity and of approximation to modern methods in the financial organisation of the different concerns is traced. The volume, therefore, is full of valuable information and conclusions on many aspects of economic history drawn from an exhaustive examination of printed and manuscript sources. The extensive bibliography will be most useful to students of the period.

It is impossible to do more here than briefly notice a few points of interest. The share of the companies in the colonial and maritime expansion of England was very considerable. Naval stores were provided by the trading companies to the Baltic, copper and bronze for cannon by mining associations. The privateering expeditions which struck at Spain were financed by joint-stock enterprise, as were most of the early plantations in America. The outlay on the latter was surprisingly small for the result achieved: Dr. Scott estimates it up to 1624 as £300,000. The interdependence of the companies is interesting. For instance, much of the capital for the Levant Company came from privateering gains, and again the East India Company was partly financed out of the profits of the Levant concern.

The history illustrates the difference between the development of France, so largely promoted and aided by the Crown, and that of England,

where the Government was too poor to do more than offer facilities for enterprise. Indeed, far from getting financial help, the English companies to some extent took the place of the foreign financiers who in earlier times had made loans to the Crown. Elizabeth got help from the Merchant Adventurers; James I. and Charles I. extracted bribes and benevolences from various companies; Parliament borrowed from them during the civil war; and the later Stewarts received handsome presents from the East India and other companies. Their fortunes were also greatly influenced by the political and financial policy of the Government. Wars naturally affected trade to a considerable extent. At the beginning of the eighteenth century business men protected themselves from the effects of decisive engagements by wagers. If they expected a gain by the successes of the allies, they would wager that their forces would not be victorious before a certain date, and so minimised their losses, though reducing their maximum gains. The attempts of James I. and Charles I. to secure income from companies which were intended to promote industry and trade interfered with the stability and growth of both. The rise in the customs under James I. led to a decline in the carrying trade; the disputes about tonnage and poundage discouraged merchants, as did the sudden changes made by Charles I. in grants of privileges. Charles II.'s stop of the Exchequer was a great blow to trade. Dr. Scott thinks that the Navigation Act of 1651 was not necessary at that time and, in fact, 'involved a further disorganisation of trade.'

The bearing of this volume on the questions of freedom from restrictions, of monopolies of industrial processes and of trade routes is interesting. Capital owned by other than merchants was employed at an early date, an important matter when it was as scarce as at the beginning of this period. This partly accounted for the success of the joint-stock companies over the regulated type of organisation which limited membership more strictly. The case for monopoly in distant trades, and where protection and negotiation were required, was strong, and the East India and Hudson Bay companies succeeded in maintaining theirs for long. In the former the system of terminable stocks, common in the early companies, prevented for some time the investment of capital in fortifications and buildings to secure the permanency of trade, a precaution which was not neglected by the Dutch company. This arrangement also made confusion in the division of profits and of capital. The chief differences in the constitution of English and Scottish companies was that in the former the supreme authority was vested in a governor to whom the other officials were subordinated, while in the latter affairs were managed by a group of managers. In Scotland acts were passed granting privileges to those who incorporated themselves, one of the principal being freedom from foreign competition; while in England a charter was considered necessary for the constitution of a trading corporation. By the end of the seventeenth century the 'mechanism of stock exchange dealings had been developed'; and the 'pernicious art of stock jobbing' was bitterly attacked, and was held to be responsible for the collapse of 1720. The true cause of this crisis was rather the exaggerated ideas of the possibilities of a 'fund of credit,' aggravated by the venality of the ministry and the House of Commons.

Dr. Scott finds that the theory of the occurrence of commercial crises every ten years does not hold during this period ; nor do the theories that they are caused by sunspots, over-speculation, over-production, apply. He finds them to be the result of failure to forecast the future—a combination of subjective and objective conditions.

This treatment of the joint-stock system, accompanied by the account of the relation of its development to the general financial, political and economic history of the period, is of great and many-sided interest and value. When a new edition of this volume is issued, perhaps Dr. Scott will expand further his summary in the last chapter, and thus discuss the subject apart from a hampering accumulation of fact and detail. We would suggest also that so useful a volume should not be allowed to suffer in value by the vagaries of the punctuation.

THEODORA KEITH.

HISTORY OF THE HAMMERMEN OF GLASGOW : A STUDY TYPICAL OF SCOTTISH CRAFT LIFE AND ORGANISATION. By Harry Lumsden, LL.B., Clerk of the Trades House of Glasgow, and Rev. P. Henderson Aitken, D.Litt. Pp. xxv, 446. 4to. Paisley : Alexander Gardner. 1912.

OF the numerous citizens of Glasgow who come in contact with the beneficent operations of one or other of its fourteen Incorporated Trades not many are likely to have intimate acquaintance with the origin of these bodies and the important part they took in the administration of municipal and industrial affairs during the bygone centuries. But for those who desire enlightenment on the subject a rare opportunity is now afforded by the publication of this book by Mr. Lumsden and Dr. Aitken, embodying the result of their collaborative investigation. Though chiefly concerned with the Hammermen of Glasgow, the authors have not confined themselves within these limits, but have extended their survey over the field of Scottish craft life and organisation in general. To the credit of the Glasgow incorporations, most of them have already issued historical sketches of their respective crafts, but the authors of the present work are the first to supply a fairly adequate account of the origin and development of a typical craft incorporation, with special reference to its relationship to the other component parts in the constitution of a burgh.

At the outset reference is made to the trade guilds of ancient Greece and Rome, resembling those of medieval Europe, which in turn were adopted by our Anglo-Saxon ancestors. Associations of persons exercising the same craft and united for the purpose of protecting and promoting their common interests, come into prominence in England in the fourteenth century, and it is not long after that time that their existence can also be traced in Scottish towns. Burgesses were then divided into the two classes of merchants who bought and sold, and craftsmen who manufactured the articles of sale. Other inhabitants, such as servants, journeymen and apprentices, were regarded as unfreemen, and could not carry on any trade or business within the burgh. Voluntary confederations of craftsmen evidently existed in Scotland before 1424, as an act of parliament passed in that year directed

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that in every town of the realm there should be chosen a deacon of each craft for supervision of the work wrought by craftsmen, so that the King's lieges should not be defrauded as they had been in time past by 'untrue men of the craft.' But in order that the rules and regulations adopted by these associated bodies for the management of their affairs and guidance of their members might be clothed with due legality, it was considered necessary to have them formally sanctioned by the governing body of the burgh. The usual procedure was for the town council, in compliance with a petition presented by a craft, to issue a document, authenticated by affixing the common seal of the burgh, and specifying the powers and privileges sought for and granted; and this writing, variously called a charter of erection, a letter of deaconry, or a seal of cause, conferred on the persons procuring it the status of a legal incorporation.

Glasgow Hammermen, embracing blacksmiths, goldsmiths, lorimers, saddlers, bucklemakers, armourers and others, obtained their first seal of cause in 1539, but it is clear from the narrative contained in their petition that they had already been established as a voluntary association. This seal of cause was granted by the magistrates and council, with the approval of the archbishop and chapter of the cathedral, and besides prescribing the regulations for the admission of members, and the rules for securing efficiency of workmanship and exercise of the other usual powers and privileges, it contains special provision for upholding divine service at the altar of St. Eloi, the patron saint of hammermen. On the assumption that the altar here referred to had its place in the cathedral, Dr. Aitken thinks it ought to be added to the list of known altars there. In two of the Glasgow seals of cause of the pre-Reformation period, that of the Skinners in 1516, and that of the Cordiners in 1558, the altars of St. Christopher and St. Ninian, respectively, are expressly stated to be situated in the Metropolitan Kirk, but the locality of the altar of St. Eloi is not mentioned in the Hammermen's seal of cause, and it may thus have had its place in one of the chapels of the city, not improbably the old chapel of St. Mary adjoining the tolbooth.

Having described the origin, constitution and composition of the Hammermen craft, Mr. Lumsden gives a series of chapters on freemen, apprentices and servants, the management of the craft, the rights, privileges, duties and obligations of craftsmen, and the craft in relation to the Guildry, the Trades House and the Town Council—the whole forming a lucid and comprehensive narrative and commentary, enhanced by illustrative quotations from the minute books of the craft, which begin in 1616. In Dr. Aitken's section a highly instructive account is given of craft life and work in their different phases at kirk and market, at change house and hospital, and in public affairs. Here, too, the craft's minutes are skilfully woven into the narrative, the interest in which is maintained to the last, even though, in consequence of the abolition of exclusive trading privileges in 1846, the incorporation has since been chiefly concerned with the management of its funds as a charitable institution.

The book is profusely decorated with portraits and illustrations of hammermen handiwork, and there are also facsimiles of old writings. In one

of the Appendices the charge against the Incorporation of Hammermen of having prevented James Watt from starting business in Glasgow as a mathematical instrument maker is discussed, and the conclusion is arrived at that the story is 'nothing more than a baseless myth.' Elsewhere, however, the 'mythical' story related by Spottiswood about the threatened destruction of the cathedral is repeated without qualification. It is highly improbable that the cathedral itself was ever in danger of effacement, and the tradition to that effect seems merely to have been based on a proposal made in 1588 for removing the north-west tower. The design was frustrated at the time, its accomplishment having been reserved for the ill-advised renovators of the nineteenth century.

ROBERT RENWICK.

ROSE CASTLE, THE RESIDENTIAL SEAT OF THE BISHOP OF CARLISLE. By the Rev. James Wilson, B.D., Litt.D. Pp. xx, 270. With Plans and Illustrations, and an Appendix of Original Documents. Demy 8vo. Carlisle : Charles Thurnam & Sons. 1912. 6s. net.

WHEN Henry I. founded the house of Austin Canons at Carlisle in the year 1132, he endowed the body, after the fashion of the time, with churches not only in Cumberland and Westmorland, but also in Northumberland and elsewhere. In the following year a diocese was constituted, it being intended that the bishop should not only be diocesan, but also prior of the convent. This arrangement was found not to work so well as the founder expected, and in the year 1219 a letter was written by Henry III. to the Pope telling him that during the destitution of the see, lasting from 1157 to 1203, certain churches in the diocese of Durham had been alienated through the neglect of the canons. In consequence of the disputes between the bishop on the one side, and the canons on the other, their estates, under the authority of the papal legate Pandulf, were partitioned. Among the estates set aside as the patrimony of the see was the lordship of Linstock, north of Carlisle, and there, at the first, the bishop had his residence.

But Linstock was exposed to raids from the North, and in the year 1230, Walter, the fourth bishop in the succession, obtained from the king a grant of the manor of Dalston, some six or eight miles to the south-west of, and therefore protected by, the city. Here he either adapted an existing building or built himself a see-house, which, from the year 1255 to the present time, has been the official residence of the Bishop of Carlisle.

The evolution of this house, its description, and its vicissitudes, form the subject of Dr. Wilson's volume.

After an introductory chapter, in which is sketched the story of the other manor-houses and towers once held by the bishop, Dr. Wilson, with sufficient fulness, relates the story of the acquisition of Dalston—of which parish he is the vicar—and discusses the erection of the see-house on which was bestowed the name of Rose. He adduces evidence to suggest that the name may have been contemporary with the acquisition of Dalston, and sets out the different theories advanced to explain this unusual though attractive designation. In the pages that follow he weaves the warp of the history of the structure with the woof of the personal history of its succes-



sive owners, in a manner which arouses and sustains the eager attention of the reader.

In the chapter given to the chapel—in the more usual sense of a building—there is a luminous and informing description of the bishop's 'chapel' in the technical use of the word, meaning the episcopal apparatus of books, ornaments, vestments, etc.; Bishop Lyttelton, in the year 1762, whimsically complaining that his predecessor had not left him even a chaplain's surplice.

In the chapter dealing with the precincts of the castle, mention is made of the large sums of money received for fines by Bishop Sterne, who was translated to York in 1664. The revenues of the see arising from rectories appropriate, and other scattered possessions, were collected by the bishop after the custom of other ecclesiastical corporations, handed down from the days of imperial Rome, of demising the tithes and manors to middlemen, who paid a substantial sum in ready money as a consideration, or fine, for the lease, and also yearly a small or moderate reserved rent. The middlemen—the publicans of distant Galilee—sublet to the owner or cultivator of the land, of course taking a profit on the transaction. Very seldom did it happen that the farmer of the tithe and the cultivator failed to come to a bargain or working arrangement. If they did fail to come to terms of arrangement, the proprietor of the tithes, or his lessee, was put to the disagreeable necessity of lifting his tithes in kind, viz. the tenth sheaf, the tenth calf, the tenth lamb, and so forth. This archaic system was put an end to by the Tithe Commutation Act, following which the bishop was able to cut down the establishment, which previously had devoured his revenues.

Special commendation is due to the selection of illustrative documents, comprising the grant of the manor and the advowson of the church of Dalston to Bishop Walter by Henry III. on the 26th of February, 1230.

The volume is well printed and beautifully illustrated.

J. C. HODGSON.

MAITLAND OF LETHINGTON, THE MINISTER OF MARY STUART: A STUDY OF HIS LIFE AND TIMES. By E. Russell. Pp. viii, 516. 8vo. London : Nisbet & Co. 1912. 15s. net.

THIS interesting volume is not in the strict sense a biography of Maitland. While it is more than a biography, it is not, except as regards the earlier portions of his career, very biographical. Later the author's plan gradually becomes more comprehensive, and for the greater portion of the book the 'Times' of Maitland bulk more largely than himself, such biographical details as are supplied being referred to in an incidental fashion. Even his second marriage is mentioned only cursorily, and it is not even stated whether he had any descendants. We are not told of the method of the final conveyance of the infirm secretary to the castle; we have merely the bald statement that Grange 'was joined (11th April) by Maitland'; nor is any mention made of Knox's denunciation of Maitland, nor of Maitland's complaint in a letter to the session of Edinburgh against Knox's slander, nor of the character of Knox's deathbed message to Kirkaldy, nor of Maitland's characteristic and scornful reply: all we are told is that the 'pin-pricks' of Maitland disturbed the Reformer's 'last illness,' which they probably did not.

The word 'Times' in the title must also be understood in a somewhat restricted sense. Social and ecclesiastical events and characteristics are not dealt with in detail: the book is concerned mainly with the complex political intrigues of the period. Further, matters with which Maitland had no direct connection are treated almost as fully as those in which he was immediately concerned. His aims and intentions might have been set forth fully enough, and certainly more consecutively, without so detailed an account of his 'Times'; and, again, we might have had a more comprehensive account of his 'Times,' and a fuller exposition of the character and aims of the other personalities of the drama, but for the special purpose that has determined the character of the book. Still, Mr. Russell's plan has advantages of its own: though it prevents him supplying a fully comprehensive account of the 'Times' of Maitland, it enables him to devote a more detailed attention to certain aspects of them, than would otherwise have been possible within the compass of his present volume. Moreover, what he has done he has generally done very well: with great care, with admirable lucidity, and with as much freedom from bias as one can reasonably expect.

Necessarily Mr. Russell's standpoint is not that of every other student of the period. Here there is still considerable variety of opinion, if not partizanship; and doubtless there are some, besides myself, who, more particularly, will not coincide with his estimates either of Moray or Knox, or with all his judgments about Mary. For example, there is hardly a unanimous opinion that 'Knox was more of a statesman than an ecclesiastic'; nor will every one admit that the position of Knox is quite fully or satisfactorily defined by the following formula: 'The Church and State in his view, as later in that of Hooker and Arnold, were co-extensive—only different aspects and relations of the same national life.' Indeed the wide difference between Knox and Arnold is shown in the very next sentence. 'Every Scot owed allegiance to the Church as he did to the State,' for Arnold would not, as Knox did, seek to enforce allegiance to the Church by legal penalties. Again, the position of Knox is only deceptively defined by stating that he held 'that the Sovereign of a Protestant State should be a Protestant.' What he did hold was that there should be neither Catholic Sovereigns nor Catholic States. Moreover, it is questionable whether Scotland on Mary's arrival was either *de jure* or by full persuasion *de facto* a Protestant State. Knox was even afraid that with Mary as queen it might not be long a Protestant State; but whether the majority of the nation were Protestants or not, did not, with him, affect the question of what was permissible. His aim had been to change the religion of the State, and while, as Mr. Russell tells us, the crown in Scotland was 'the ruling factor in the government and policy of the State,' he sought to override the crown and the government so far as religion was concerned; and in those times this meant the substitution of the Kirk, or rather himself, as 'the ruling factor' in the State. His views of the relations of Church and State were, in short, medieval, not modern. They supposed a certain infallibility in himself and in the Kirk. Again, it would be more correct to speak of Knox's 'demagogic' than his

‘democratic fervour.’ He sought to utilize even the rascal multitude for his own ends ; but it was for him and the Kirk, not for the rascal multitude, to determine the State religion : he courted the nobility for his own purposes as much as he did the people, and his second marriage seems to show that he had even some kind of aristocratic aspirations.

As for Moray, Mr. Russell seems to assign him a wisdom, impeccability, and unselfishness of an almost unprecedented character among men, not to mention politicians, and especially politicians of that age. He will not have his motives questioned in the case of any of the windings and turnings of what was, in any case, a very opportunist career, whether opportunist mainly for the sake of his sister, his country, his religion, or himself. Mr. Russell could not, of course, give the same detailed attention to Moray’s aims and motives as he has done to those of Maitland ; but it is putting too great a strain on the reader’s credulity to take for granted that his motives were always unimpeachable, and that he was always in the right.

Three illustrations of cardinal points must suffice. One of the most cardinal is Moray’s reasons for his rebellion against his sister on account of the Darnley marriage, and it is a rather difficult one ; but the remarkable fact is that Moray allowed himself to be named one of a commission to arrange with Elizabeth terms that would guard Protestantism and might satisfy her ; that the negotiations failed simply because Elizabeth refused to negotiate at all ; and that nevertheless Moray combined with Elizabeth against his sister with the view of expelling her from the throne. Another cardinal and difficult question is the attitude of Moray towards the Don Carlos negotiations. This can hardly be explained as Mr. Russell, following Professor Hume Brown, would seek to explain it, by the mere desire of Moray to bring pressure to bear on Elizabeth to arrange terms with his sister. It may even be doubted, if not more than doubted, whether Moray now deemed this either possible or desirable ; but here Mr. Russell ignores a statement of Maitland to De Quadra that Moray’s hatred of the Hamiltons might tend to make him even support the Spanish marriage. The Hamiltons had, in fact, all along been the *bête noir* both of Maitland and Moray. Further, it is clear that Maitland and Moray had at least convinced themselves that, meanwhile, they had no option but to humour the Queen by agreeing to negotiations which, so far at least as the consent of Philip was concerned, might have been successful. A third cardinal question concerns the conduct of Moray in allowing himself to be juggled by Elizabeth into publicly exhibiting the casket documents at Westminster. According to Sir James Melville—though this Mr. Russell does not record—Maitland told him that he had ‘shamed himself’ in doing so. When in Edinburgh Castle Maitland affirmed, in a letter to Burghley, that he never left Moray ‘till he left all honesty,’ and all that Mr. Russell has to say to this is that it is difficult to understand it, ‘except on the assumption of Maitland’s political infallibility and the consequent duty of Moray to follow him blindly.’

Necessarily Mr. Russell’s attitude to Knox and Moray tends to make him put a more unfavourable construction on the conduct of Mary than he might otherwise have done, but it says much for his fair-mindedness that,

as a rule, it has affected very little his verdict on Maitland, which, except as regards the final stand made by him on the Queen's behalf, is very favourable and appreciative. So far as I can judge, his book, as regards the aims and motives of Maitland, is, on the whole, admirably illuminative; but then, as it happens, I had already formed views about Maitland's policy similar in many respects to those so carefully and minutely expounded by Mr. Russell, and, on the other hand, I already entertained opinions somewhat different from his about Moray, Knox, and Mary.

On one point, however—Maitland's conduct in the Darnley murder—he expresses an opinion with which I am quite unable to coincide. He partly excuses him for a reason quite beyond my comprehension. That 'he was morally guilty,' is, he says, 'of course undeniable, though his views as to Darnley's criminality in relation to Mary require to be taken into account.' Now if Mr. Russell had said 'Darnley's criminality in relation to Maitland and the Protestant party,' I could have understood him, but his criminality in relation to Mary! What was Darnley's criminality in relation to Mary? Was it not, primarily, his sanction of the murder of Riccio? And was not Maitland himself very largely responsible for Darnley's sanction of it? The responsibility of Maitland and the Protestant party for the murder of Riccio seems also to have been one of the difficulties connected with a possible trial of Darnley. There was a proposal to 'get him convict of treason, because he consented to her Grace's retention in ward,' but in that case others beside him would have to be convicted.

The book may be cordially commended to the attention of all who are seriously interested in Scottish history.

T. F. HENDERSON.

A CALENDAR OF THE COURT MINUTES, ETC., OF THE EAST INDIA COMPANY, 1644-1649. By Ethel Bruce Sainsbury. With an Introduction and Notes by William Foster. Pp. xxviii, 424. 8vo. Oxford: Clarendon Press. 1912. 12s. 6d. net.

THIS instalment of the Court Books and other home documents is dominated by the after effects of the Civil War, and thus the present volume is one in which the human interest is greater than in its predecessors. We see the Company still trying to obtain payment for the pepper it had been forced to sell to Charles I., and, as the struggle progressed in England, endeavouring to secure recognition from the Government. Nor did it escape from the divisions of the time, since in 1645 one of its ships, the *John*, was taken to Bristol by John Mucknell, the commander, and handed over to the Royalists. This was an exception to the general loyalty of the Company's servants to the orders of the Committee, and one gathers that Mucknell acted as he did through a fear that he would be superseded. The friction with Courteen's Association still continued. Sir W. Courteen was dead and his son was in financial difficulties, but several merchants had decided to continue the venture. These eventually joined the East India Company.

Two new colonies were projected, one in Madagascar (which was a failure) and another in Assada. The latter continued for a short time, and it had a short history of some importance. There are many matters of

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interest touched on in this volume, as, for instance, the adventures of the *Dolphin*, which lay during a storm 'for more than an howers tyme without righting'; or, again, the ingenuous plea of a shareholder who wished to avoid paying calls on his stock, who puts the matter as follows, that he 'might have liberty to vacate his subscription with their love for that hee did not desire to bee an adventurer with them.' In modern times, instead of the reluctant stockholder being dismissed 'with love,' he is usually involved in legal proceedings.

W. R. SCOTT.

THE ENGLISH FACTORIES IN INDIA, 1637-1641: A Calendar of Documents in the India Office, British Museum, and Public Record Office. By William Foster. Pp. xlvi, 339. With Frontispiece. 8vo. Oxford: Clarendon Press. 1912. 12s. 6d. net.

THE period covered by this volume of the 'factory records' is one in which the Dutch and Portuguese were still in conflict in India. The French and the Danes were beginning to make tentative efforts at obtaining some footing in the country; while the English were impeded by the rivalry between the original company and Courteen's Association. The latter was unfortunate in the loss of shipping, but it had begun to found a few factories. The division of interest and uncertainty as to the position of the company at home restricted the efforts of its servants in the East, and it appears from their letters that they were frequently in want of money. Events which were destined to be the forerunners of territorial acquisitions may be dimly foreshadowed in the fortifications which were begun at Madraspatam and at Fort St. George. A change in the manner of trade is to be seen in the employment of small vessels for coastwise voyages, though this practice led to losses through the activities of Malabar and other pirates.

Altogether this instalment of the *Calendar* contains much varied and interesting information, while it continues to manifest the same careful editing to which attention has previously been drawn. It is, in fact, a storehouse of exceedingly valuable information concerning the various settlements, which is set forth in an interesting and attractive manner.

W. R. SCOTT.

JOHN OF GAUNT'S REGISTER. Edited for the Royal Historical Society by Sydney Armitage-Smith. Volume I. pp. xxv, 350; Volume II. pp. 415. 4to. (Camden Third Series, Vols. XX.-XXI.) London: Offices of the Society, Gray's Inn. 1911.

MEDIEVAL students must welcome this edition of Part I. of the Register of the Duchy under 'Time-honoured Lancaster' during the years 1371-76 as an invaluable record of feudal administration, throwing the most varied light on its times by virtue of its catholicity of writs issued from the Lancastrian Chancery and passed under the Duke's privy seal. The Royal Historical Society has chosen wisely to authorize the editor (best known as author of the recent standard biography of John of Gaunt) to print the

Register to all intents and purposes in full, although this has involved considerable repetitions of the common form of contracts, mandates, grants, indentures, letters, etc., which make up the book. The entries number 1812; the editor's index occupies 55 double-columned pages of names; the matter of the documents is rich in information on financial, military, and estate usages and management; and the administrative *entourage* of a great baron, brother of Edward III., is seen under conditions of routine and custom which make the *Register* a document almost as much for Europe as for England.

For Scotland, while direct references are few, the parallel of institutional methods and observances is of first-class utility in its wealth of analogy and illustration. In 1374-75 there are complaints about the loss in the Tweed fisheries because the people of Scotland disturb the tenants by 'maistrie,' and about the Scots groat being worth only three pennies of England, in consequence of which Dunstanborough rents were in arrear. A well-known Scottish soldier appears for several years in the service of the Duke. This is John of Swinton, who, in 1372, as an *ésquire*, makes formal indenture of service with the Duke 'pur pees et pur guerre,' on terms which include arrangements for board and wages in peace, and a fee of 20*l.* besides 'restor' of horses in war-time, the esquire rendering to the Duke one-third of any ransoms or profits of war he might win. A clause provides for a break on the possible contingency that Swinton's service might be interrupted 'a cause de sa ligeance': that is, as a Scottish vassal he might be required elsewhere, or on the other side from the Duke's. In 1374 Swinton, now a knight, makes a fresh contract on terms heightened by the change of standing and service, including 40*l.* of annual fee instead of the former 20*l.*, but still yielding 'tierce partie' of booty. He served that year in the campaign in Aquitaine, and received credits against more than one 'bille' on that account. His experiences; no doubt, enhanced his military efficiency, though he was to perish at Homildon in 1402.

What the Scottish reader will chiefly prize in the volumes, however, is its body of data on such matters as the keeping of castles and forests, arraying of defence when the 'bykenes' (beacons) were lit or the hue and cry arose, and above all, the watchfulness of the feudal lord over homages, wardships, marriages, aids, and other sources of tenurial revenue.

It is not a domestic but an estate *Register*, yet it continually touches interesting things and people. For instance, Chaucer is granted an annuity for services rendered to the Duke, inclusive, as we know, of *Blaunche the Duchesse*, written after the death of the Duke's first wife in 1369. Chaucer's wife, too, receives specific as well as pecuniary gifts. Writs of permission to cut timber, 'cheynes freynes boubes et alney¹ et tout manere de southboys,' are interesting. Even more attractive are permissions to exercise the 'ju solace et deduyt' of 'savagin' in the ducal forests, or to

¹ This passage probably confirms Bishop Dowden's solution of a difficulty he had in editing the *Chartulary of Lindores*, p. 259, where 'de bule et de auhne' was taken to mean birch and alder. Cf. *Reg. de Kelso*, p. 94, 'de quercu quam de Bule.' In the passage *supra*, 'boubes' is perhaps 'boules'; and 'alney' clearly points to Latin 'alnetum,' alder.

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have 'une course et une trete' for the capture of the game. And it is piquant to find a 'Curson de Ketilston' caught poaching, and only released on security against such trespasses thenceforward. We cannot doubt that the recognition of *John of Gaunt's Register*, Part I., as a great source book, formulary, and corpus of administrative usage in the middle ages, will be such as to encourage the Society to complete the work, and to cheer the editor in carrying out to the end the task he has so efficiently and auspiciously begun. Perhaps, too, we may hope to have from him one day a complementary exposition of the *Register* more elaborate than the brief introduction with which he has equipped the present volumes. Gratitude for present favours naturally finds expression as a lively desire for favours yet to come.

GEO. NEILSON.

THE EARLY NORMAN CASTLES OF THE BRITISH ISLES. By Ella S. Armitage. Pp. xvi, 408. With numerous Illustrations and Plans. Demy 8vo. London : John Murray. 1912. 15s. net.

THIS is a valuable addition to books dealing with Norman castles and their plans, written after many years of special study. It is an endeavour to prove, and in a very masterly way, that the castles built by the Normans in Great Britain and Ireland were, 'with very few exceptions,' earthworks with wooden buildings upon them, and that there is not the least reason for supposing that any pre-Norman race ever threw up the earthen mounds which have been assigned to them by many writers in recent years. Mrs. Armitage states that even on the Continent the private castle took root only on the triumph of feudalism after the date of the Norman Conquest. The authoress asserts that the 'burh' of the Saxons was not a moated hillock, but a borough surrounded by walls, the town itself being the fortified place as a protection to the burghers, differing in this respect from the Norman castle, in which the Norman lord resided, which was alone fortified. She points out that the Danish camps were 'mere enclosures of large area, which very much resembled the larger Roman camps . . . and, like them, they frequently grew into towns.'

The moated mound is not peculiar to this island, but is, I believe, to be found on the Continent of Europe from Denmark southwards. The Continental examples are, I am told, apparently of the time of Charlemagne. One of those mounds in England, of which not much notice has been taken, is the fine specimen at Maryport, in Cumberland, on the same tongue of land on which the Roman camp stands, but at the smaller end of it, almost surrounded by the river Ellen, the town itself lying in a sort of saddle between the camp and the mound. There are early references to 'Allenburgh,' but the reference is more likely to be to the camp than to the mote hill.

Mrs. Armitage gives credit to Mr. J. H. Round as the first—in 1894—to attack the late Mr. G. T. Clark's theory that the moated mound was Saxon, and also to Mr. George Neilson, whose help she duly acknowledges, for following up, in his *The Motes in Norman Scotland*, Dr. Round in his reasoning. She only claims, and this in a very vigorous manner, to have carried the argument a stage farther by showing that the private castle did

not exist in Britain until brought in by the Normans, and that these mounds are, therefore, in every case of Norman origin. Apart from all this, I do not think it necessary that so much abuse should have been heaped upon Mr. Clark's work as has been by some writers. After all, he was a pioneer in the study, and, like all pioneers, may have made mistakes, or possibly errors, in his estimate of the date of some earthworks and mounds, but there are beyond a doubt some cases which are in favour of Mr. Clark's theory. Notwithstanding this, his *Military Architecture in England*, published some thirty years ago, will remain the text-book on the subject. And then, where would the present-day writers have been without Mr. Clark's book on which to base their studies?

We have had instances lately of old theories being departed from for new ones, and these in their turn discarded for the earlier. Important as the book is, and marking, as it does, an advance in the study of Norman castles, yet we cannot accept the conclusions until much more study has been made of the remains by means of the spade.

A list of the castles in England is given in the work which can be historically traced to the eleventh century, and there are also lists of those castles the date of which can be definitely fixed, including those erected by Henry II., as recorded in the Pipe Rolls, a list which is stated to be the most complete ever published. This may be, but I am under the impression that Dover is mentioned in either the Pipe or Close Rolls of Henry II., and therefore might have been included, and that Richmond Castle, while stated in the text to have been finished by Henry II., is not given in the list.

The book does not deal apparently entirely with 'early' Norman castles, but some of late Norman and even transitional date are included as well. In the list on p. 396 Newcastle is said to be *outside* the town—it is not so now. Its date is given as between 1167 and 1177; the tower was begun in 1172. There is no evidence that the castle was outside the Roman station of *Pons Aelii*.

With respect to the use of the novel word 'motte,' Mrs. Armitage informs us that it is late French for a 'clod of earth'; but why the well-known name of 'mote' or 'moot' hill cannot be adhered to is a puzzle, or even 'mount' or 'mound,' and I am glad, therefore, to note that the late Professor Skeat entered a protest against its use, as, he said, there was no authority for it, and he for one declined to accept it. The *New Oxford Dictionary* gives 1272 for the first use of 'mote,' but none for 'motte.'

R. BLAIR.

AN INTRODUCTORY ECONOMIC HISTORY OF ENGLAND. By Stanley Salmon, B.A. Oxon. Pp. vii, 130. Cr. 8vo. London: Longmans, Green & Co. 1912. 1s. 6d. net.

MR. SALMON'S book should be valuable both as a text-book for school use and to those who desire some knowledge of the general course of economic history, which is a necessary basis for the study of the many economic problems of the present day. As a rule there is no want of interest in this subject in schools, and it should be possible to give some lessons on economic

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development in the higher forms. But until lately such questions have not had much attention from writers of school history books, and Mr. Salmon's book will therefore be of great service, more especially as he discusses material progress as well as changes in economic theory.

The first five chapters give a general sketch of economic history: the manor and the three-field system in the country, the guilds in the towns (though it is hardly necessary when space is so limited to give rather doubtful theories of guild origins), the changes of the fourteenth and fifteenth centuries, the growth of industry and trade and the development of the mercantile system, and the industrial revolution. The last six chapters are devoted to historical accounts and statements of the modern position of those problems which in some degree have been present in all ages: poor relief, the relations of capital and labour, the regulation or freedom of trade, currency, banking. These chapters, partly because of the nature of the subject, are less easy to follow than the earlier part, but as a supplement to lectures they would be very useful in schools, and for other readers they give an excellent summary of past legislation and of present theories.

This book, of course, deals with English economic history, and while it will be a good companion to English political history in Scottish schools, a history on similar lines of Scotland, whose economic development had much in common with but also much that is dissimilar from that of England, would be of great value.

THEODORA KEITH.

RESPONSIBLE GOVERNMENT IN THE DOMINIONS. By Arthur Berriedale Keith, M.A., Edinburgh; D.C.L., Oxon.; of the Inner Temple, Barrister-at-Law, and of the Colonial Office, Junior Assistant Secretary to the Imperial Conference. In three volumes. Clarendon Press, Oxford. 1912. Two guineas net.

To say that these three volumes are a monument to the learning and industry of Mr. Keith conveys no impression of the real service which he has rendered to all serious students of the organisation of the Empire. In no other book can they find the same full information stated with accuracy and impartiality, and drawn from sources which are difficult of access even to the expert. From his position in the Colonial Office the author is familiar with the routine of official business, which very frequently necessitates detailed study of the fundamental dispatches as well as the relative colonial legislation, and as a secretary to the Imperial Conference he is conversant also with the debates on the important topics discussed at these meetings. Of his industry and erudition there is literally no end, and we congratulate him, among other things, on having completed this work while he is still a comparatively young man. For most people it would have been a life sentence.

The three volumes are divided into eight parts, of which three are to be found in the first volume, viz.: Part i. is introductory, Part ii. treats of the origin and development of responsible government in various parts of the Empire, Part iii. deals with the executive government under such heads as The Governor, The Powers of the Governor, The Governor and his Ministers,

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The Governor as head of the Dominion Government, The Governor and the Law, The Governor as an Imperial Officer, The Cabinet System in the Dominions, and The Civil Service. Part iii. treats in great detail of the Parliaments in the Dominions, and considers among other topics the territorial limitations of Dominion legislation, the repugnance of Colonial laws, the franchise, and the procedure and powers of the Upper and Lower Houses in the various Dominions.

We can make no attempt to deal adequately with the great wealth of material contained in these 1700 pages, but the professed student of Imperial organisation may accept our assurance that no topic of importance has been omitted. The treatment in each case is similar. The relative policy is quoted from dispatches of the Imperial Government, or the relative legislation of the Dominion is given in its historical setting, and there is the most ample reference to decisions in cases which have come before the courts.

The last part, which deals with the Imperial Conference, is an admirably full and impartial account of the growth of these meetings, which, from being specially summoned on ceremonial occasions, such as the Jubilee in 1887, have now advanced to a secure position in the organisation of the Empire, meeting every four years. In this respect the Imperial Conferences have already achieved the development which, in a totally different sphere, the Hague Conferences are undergoing.

Even to the reader who is not a professed student of Imperial organisation the contents of the three volumes will prove of great practical interest. Lawyers in this country who desire information on special topics of law in the dominions, such, for example, as Merchant Shipping or Copyright legislation, may be referred with confidence to this work. Should they have occasion to engage, for example, in the difficult task of ascertaining from the books usually found in our legal libraries the views held by the courts of the Commonwealth on the test of jurisdiction in divorce, they will thank Mr. Keith for his valuable chapter on this topic in vol. iii. It gives not only a useful synopsis of the relative legislation in the different states, but also a digest of the case-law which is not easily accessible elsewhere.

There is a suggestive chapter, too, on the treaty relations of the Dominions, a subject seldom lacking in perplexity for the ordinary lawyer even when he has had some training in International Law. Mr. Keith shows, in the most interesting way, how the general principle that treaties made by the Crown are binding on the Colonies whether consented to by Colonial governments or not, has been modified in many ways to meet the needs of the Dominions. At International Law the British Empire remains technically a unit, and the treaty-making power resides in the Sovereign. Yet it has been found necessary to modify this general principle, and since 1882, when the Commercial Treaty with Montenegro was concluded, it has been the practice to give the Colonies an option of adhering to a treaty within a period, which is usually two years.

Mr. Keith properly differentiates between the treaties which benefit the Dominions independently of consent and those which do not. A treaty

giving to British subjects political rights, such as the right to acquire real property, or exemption from local military obligations, applies to British subjects being Colonials, even though their Colony has not adhered to the treaty. With treaties of this kind must be contrasted those conferring purely commercial privileges where a differentiation of treatment can be based on a differentiation of locality. This difference is illustrated by the position of an Australian in Japan who has the benefit of rights under the British treaty with that country, while goods imported to Japan from Australia are not entitled to the special tariff granted in Japan to goods imported from the United Kingdom. But even in negotiating political treaties it is now the practice for the Imperial Government to consult the Dominions so far as their rights are affected. In questions with the United States the practice is expressly sanctioned by Act of General Arbitration Treaty of 1911, which reserves to the British Government 'the right before concluding a special agreement in any matter affecting a self-governing dominion of the British Empire to obtain the concurrence therein of the Government of that dominion.'

Yet, while the technical legal unity of the Empire in international relations is still maintained, so that foreign governments look to the Imperial Government for redress for wrongs suffered at the hands of Colonial governments, it is noteworthy that of late years Canada has been allowed to carry on informal negotiations at her own hand with consular representatives of foreign powers on matters of strictly local interest. Two instances occurred in 1910 when Mr. Fielding, Canadian Minister of Finance, conducted informal negotiations with the German Consul-General relating to the surtax of $33\frac{1}{3}$ per cent. on German goods imported into Canada, and on another matter with the Italian Consul-General. The famous reciprocity negotiations with the United States in the following year were similar in point of form, though the need for embodiment in a formal treaty was avoided by the stipulation that the agreement should be carried into effect by concurrent legislation in the two countries. The latter negotiations, as Mr. Keith points out, raised in a new form the view which had long been held by the Liberal Party in Canada that the Dominion Government should be given the full treaty power. And he draws attention in this connection to the fact that Victoria made the same demand in 1870, coupling it with one for neutrality in the time of war. To grant the full treaty-making power to the Dominions is impossible if the legal unity of the Empire is to be retained, for the grant would change a unitary state into a confederation with all its attendant disadvantages. This may be the natural course of development, but the demand for it has not at present sufficient strength. And, in view of Mr. Borden's present proposals for co-operation in Imperial Defence with a sort of Canadian diplomatic agent in London, it is interesting to find Canada, at the Imperial Conference in 1911, declining any system of automatic consultation on political treaties prior to ratification by Great Britain, inasmuch as it might involve acceptance of the consequences of the policy denoted by such treaties.

A. H. CHARTERIS.

THE ABBÉ SIEYÈS. AN ESSAY IN THE POLITICS OF THE FRENCH REVOLUTION. By J. H. Clapham, M.A., Fellow of King's College, Cambridge. Pp. vi, 275. Demy 8vo. London : P. S. King & Son. 1912. 8s. 6d.

A PUBLISHED work from one of the late Lord Acton's pupils is always an event of some interest, and Mr. Clapham's book is a welcome addition to the list of scholarly volumes which owe much of their inspiration to Acton's Cambridge teaching. The book is not a biography, but a study in political science, and as such it deserves to take rank with the most scientific analyses of Revolutionary politics that have appeared within recent years. Sieyès is, however, neither a great nor an interesting personality. This fact may atone for the absence of any earlier English book on the subject, but at all events the Abbé's political philosophy contains an element of sheer metaphysics that must appeal to the English mind, if only by contrast, and which provides perhaps the best explanation of the hatred that the whole revolutionary movement inspired in such a man as Burke. 'Those who are not my species are not my fellow-men ; a noble is not of my species ; he is a wolf, and therefore I shoot'—such is the syllogism of the unfrocked priest who began, as a disciple of Condillac, to elaborate his 'system' of political science long before the overthrow of the monarchy.

It is of interest to note that parts of the completed system show the influence of the English philosopher, Harrington—both writers, for instance, advocate the expounding of political doctrine to the people by state lecturers—but the two differed fundamentally in this, that Sieyès ignored and despised the influence of tradition in politics, while of Harrington Lord Herbert of Cherbury said that he had the greatest knowledge of history of any man he knew. 'The statesman must be first of all a historian and a traveller' ; in these words the author of the *Oceana* has anticipated most of the criticism that can be directed against theorists like Sieyès who have conceived of politics as the science, not of what is, but of what should be, and who have elevated their conception into an idealisation which, spurning the material support of history, is as capable of classification and deduction as the abstractions of mathematics.

Strangely enough, the only English thinker with whom Sieyès seems to have anything in common is Milton. Both were idealists ; they looked for salvation to the possibilities of the future rather than to the teachings of the past ; neither could regard with respect a distinctively national institution ; they each wished to sweep away 'privilege' and entrust administrative functions only to the 'choicer sort' of people, and moreover they agreed in regarding the state as something wide enough to secure a more direct and central control in the spheres of religion and education. Although they were connected with movements that have been associated with the rise of democracy, neither had any sympathy with 'popular' rights as such. Sieyès proposed to secure the representation of great interests rather than of numerous classes, and he was always distrustful of the mob, while Milton, with an inconsequence that was delightful, urged that if the rabble would not have 'liberty' (as defined in the 'Ready and

Easy Way to Establish a Free Government'), the boon should nevertheless be forced on the unwilling by means of Monk's 'faithful veteran army!'

The biographical element in Mr. Clapham's book is always secondary, and the author's task has been to show the connection between Sieyès' theories and the constitutional experiments which were launched on France in the period between the formation of the Constituent Assembly and the appearance of the Consulate. It cannot be said that Mr. Clapham has always been successful, though the task is undoubtedly a difficult one. The historical background often seems lacking in perspective, and the balance is not always consistently maintained between the examination of Sieyès' theories and the account of their influence on contemporary practice. The book is, perhaps on this account, sometimes rather difficult to read; the style is, moreover, both allusive and epigrammatic; occasionally there is a noticeable lack of clarity. It is possible that the author might well have separated Sieyès the theorist from Sieyès the politician; certainly such an arrangement of the subject might have induced greater clearness. In this respect chapters vii. and viii. are the most 'readable,' because they have so small an ingredient of Sieyès' theorisings.

Moreover, in his style Mr. Clapham is not without some traces of Acton's example. A considerable amount of information is often compressed into each sentence, and the paragraph acquires a precision and unity at the expense of the chapter. A summing up at the end of each chapter would in this case have been a great help to the reader, who is frequently left in a state of embarrassment amid the somewhat frigid and perhaps Teutonic isolation of the various paragraphs. But the book contains a very large amount of information, and readers need not be deterred by disadvantages so easily overcome.

DAVID OGG.

LORD CHATHAM AND THE WHIG OPPOSITION. By D. A. Winstanley, M.A. Pp. viii, 460. Cambridge: At the University Press, 1912. 7s. 6d. net.

MR. WINSTANLEY might have chosen a more arresting title for a book so full of dramatic and decisive interest. In effect the great protagonists of these six years are not so much Chatham and the Whig groups in opposition as non-party and party government, 'efficiency' as against Whig or Tory, 'Not men but measures' in contrast with the opposite principle. Here surely Mr. Winstanley has mis-stated the attitude of Chatham and Shelburne in giving the formula as 'Men not measures' (pp. 31, 51), which is in contradiction thereto, since the cry was 'that the country would never know good government until ministers were selected, not on account of their political connections or their following in Parliament, but by reason of their capacity for administration' (p. 17); and the phrase first given above is as it appears in Burke. With this ideal of 'efficient' and non-party government in view Chatham undertook to succeed the Rockingham Whigs, having the cordial support of George III., equally anxious, though from rather different motives, to destroy the party system, which the long Whig administration, under his grandfather and great-grandfather, had certainly done much to bring into disrepute.

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How the attempt worked, and how significantly it failed, must be read in Mr. Winstanley's pages, not glowing pages perhaps but all the more seductive to the historically minded from their measured and equable manner, and the determination to see incidents and personages not in silhouette of black and white but in the living round. The 'efficient' Government could not, even in its formation, be restricted to efficiency. Despite the author's pleading, it seems pretty clear that Chatham's curious preference for Temple was a family one; Temple showed sound sense in refusing to co-operate with his brother-in-law while differing from him on the general principle, and, in particular, on the American question. The Treasury had therefore to go to the Duke of Grafton, who, despite Junius, had some virtues and much bad luck, as Mr. Winstanley points out, but was, in respect of his post, inefficient, and knew it (p. 50). Grafton brought Townshend into the Chancellorship of the Exchequer against Chatham's own better judgment. Before long Grafton was searching for ministers in the political ruck; Chatham himself shifted Lord Edgcumbe to make way for Shelley, 'a politician of little account' (p. 75); when Lord Hillborough was made Colonial minister it was a step both 'unwise' and 'disastrous' (p. 199). In the end Grafton threw up the non-party game by introducing the Bedford group into the ministry. Even if Chatham's extraordinary eclipse had not occurred, it is hard to see what other end could have come; more probably his active presence would have precipitated it. And if 'efficiency' in this sense proved a delusion, no less so did the talk about measures. When Townshend took his own desperate line on the Colonial question, and Lord Chancellor Camden denounced his own Government for its dealing with Wilkes, the brains of the principle were out. The one centralising fact behind all the happenings is the masterful and adroit personality of George III. forcing his determination to 'be a king.' The whole story, as Mr. Winstanley tells it with much illuminative material from MS. sources, is, for the constitutional student, fascinating.

Working on such a scale, too, the author is able to humanise some of the leading figures; to show Newcastle as a really clever party politician, and to bring out the better qualities of the unfortunate Grafton. On the other hand, we have both Chatham and Burke stooping to purely factious action when it seemed to serve their opportunity. Such personal analysis is very well done.

'Speeden,' on p. 406, is an uncommon form, for which there is no justification. I hope it is not still true of England that it 'has never loved its northern neighbours' (p. 6).

W. M. MACKENZIE.

BELL'S ENGLISH HISTORY SOURCE BOOKS. Edited by S. E. Winbolt and Kenneth Bell. *The Age of Elizabeth* (1547-1603), selected by Arundell Estaile, pp. viii, 120; *Puritanism and Liberty* (1603-1660), compiled by Kenneth Bell, pp. viii, 120; *A Constitution in Making* (1660-1714), compiled by G. B. Perrett, pp. viii, 120; *Walpole and Chatham* (1714-1760), pp. viii, 120. Cr. 8vo. G. Bell & Sons. 1s. net each.

WHAT was written *ante* (S.H.R. ix. 443) in commendation of the scheme of this series is well sustained by its execution. The extracts from con-

temporary documents and narratives are sufficiently full for each period to reflect its spirit with fidelity : they indeed give 'the very age and body of the time, his form and pressure' to a degree that makes each little green volume not only admirable for teaching, but well worth consultation as a sort of collection of contemporary despatches. Mr. Kenneth Bell's contribution, for example, illustrates such diverse subjects as agitation over unemployment in 1621, grievances of New England in 1624, the petition of rights in 1628, Strafford in Ireland (1634-36), the sentence on Charles I. and its sequel, Killing no Murder. History is made real by such representative cuttings.

THE POETRY OF CATULLUS. By D. A. Slater, M.A., Professor of Latin in the University College, Cardiff. Pp. 30. Med. 8vo. Manchester : The University Press. 1912. 6d. net.

THIS little *brochure* is a reprint of a lecture delivered last February to the Manchester Branch of the Classical Association. It does not profess to be an original contribution to the subject, or, indeed, to be anything more than an informal talk about Catullus and his poetry. But Mr. Slater is a man of cultivated mind, with a keen appreciation of what is best in ancient and in modern literature. Consequently, what he had to say on such an occasion could hardly fail to be interesting and stimulating. His residence in Wales appears to have given him a bias in favour of the rather fanciful theory that Catullus 'was a Celt, or that at least he had Celtic blood in his veins'—'sib,' in fact, to the clan of Cadell. Curiously enough, he overlooks the far more striking series of analogies to Robert Burns !

THE PAROCHIAL EXTRACTS OF SAINT GERMAIN-EN-LAYE. Edited with Notes and Appendices by C. E. Lart. Vol. II., 1703-1720. Pp. xii, 182. 8vo. London : St. Catherine Press. 1912. 21s. net.

THIS second volume differs from the first. The entries now mostly centre round the aging court of Marie d'Este, titular Queen no longer, but 'Queen Dowager,' for, after 1708, her son, 'James III.,' left St. Germain for the wars, and never returned thither save for a rare visit. It is a sad record, therefore, of a fading cause. Among the less notable documents—which are, however, all valuable to genealogists and Jacobites—an interesting Declaration has appeared. It seems that on her deathbed in 1713, Judith Collingwood (Mrs. Wilkes), midwife to the Queen, swore, before the Duke of Berwick and other high functionaries of the exiled court, 'comme preste de paraitre au tribunal de Dieu,' that the titular 'James III.' was the child born to the Queen in London in 1688. The Queen died in 1718, and the sad coterie, which had become more and more Irish as the Catholic influence was more dominant, scattered and dispersed, and little was known of the figures who composed it until the present editor collected these archives and edited them with pious care.

A. F. S.

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THE BOOK OF THE OLD EDINBURGH CLUB. Vol. IV. Pp. x, 203, 32. With 23 illustrations. 4to. Edinburgh: Printed by T. & A. Constable for the Members of the Club. Issued 1912.

THIS new volume of the Old Edinburgh Club's publications contains papers on George Drummond, an eighteenth century Lord Provost; the old Tolbooth; an old Edinburgh monument now in Perthshire; the Society of Friendly Contributors of Restalrig; and a further article on Sculptured Stones of Edinburgh. The last paper is a short note of Mr. Oldrieve's on Recent Excavations and Researches at Holyrood. Scotland, as well as Edinburgh, owes so much to Mr. Oldrieve's skill and care, that any paper by him is peculiarly welcome.

Among the reproductions is an interesting drawing of Jean Livingston on the scaffold, by Charles Kirkpatrick Sharpe. He had intended to use it as a frontispiece for a tract on the conversion of Jean Livingston. It is interesting not only in itself, but as one of the many instances in literature and art of odd pieces of work left unused owing to abandoned schemes.

The Old Edinburgh Club is again to be congratulated on the excellence of its work.

COLBERT'S WEST INDIA POLICY. By Stewart L. Mims. Pp. xiv, 385. 8vo. New Haven: Yale University Press. 1912. 8s. 6d. net.

THE author commenced this book to show the rapid growth and expansion of the French West Indies during the eighteenth century, which had certain economic effects on the commerce of British North America. His study developed into the present monograph on the policy of Colbert, and he promises another for the period of 1683-1715. It was entirely owing to Colbert's protection and fostering care that the wonderful development of Martinique (founded in 1635), Guadeloupe (founded the same year), and St. Domingo came about, and the writer has discovered much new material in France which will be of value to all students of West Indian history. He has not been altogether fortunate with his rendering of French names, but this slight fault does not greatly mar an important work.

MÉMOIRE DE MARIE CAROLINE REINE DE NAPLES. Harvard Historical Studies, XVI. By R. M. Johnston, M.A. Pp. xvii, 338. With illustrations. Demy 8vo. Cambridge: Harvard University Press. 1912. 10s. 6d. net.

THIS book continues the excellent work that is being done by the series called the Harvard Historical Studies. It is printed from a MS. in the Biblioteca Nazionale of Naples, which contains, as the editor points out, an account of the political duel between the termagant queen and Lord William Bentinck, which ended in the defeat of the former. The MS. is not only partly written by, but wholly inspired by the queen, and, *pièce justificative* though it is, shows how difficult the position of Bentinck was when the queen, in spite of all her protestations to the contrary, was undeniably carrying on secret correspondence with Napoleon, now married to her grand-daughter.

Another exceedingly interesting part of the book is the account of the

marriage of the queen's daughter to the Duc d'Orleans, and the political *début* of the latter. The book is ably edited by Professor Johnston, who knows the Napoleonic period well.

A Short History of Early England to 1485, by H. J. Cape. (With six maps. Pp. ix, 252. Cr. 8vo. London: Methuen & Co., Ltd. Price 2s. 6d.) This well-written condensation gives in trustworthy and fairly attractive form the substance of the political events in England from the time of Caesar until the death of Richard III. Its inclusion of a little more economic history than usual is most obvious in its treatment of the constantly recurrent questions with Flanders. One of the maps shows the chief battlefields between the English and the Scots. Planned on sound lines, the little book is equally sound in execution.

The Oxford University Press have now completed their edition of the novels of Sir Walter Scott in twenty-four volumes. These contain the author's introductions, and also notes and a glossary to each novel. In addition there are a very large number of illustrations. We have already welcomed individual novels of this series, and are now glad to note its completion. It is an excellent set.

British Citizenship. A discussion initiated by E. B. Sargent. (Pp. vi, 59. Dy. 8vo. London: Longmans, Green & Co. 1912. 2s. 6d.) This reprint from the *Journal of the Royal Colonial Institute* emphasizes the fact that 'British citizen' is not a technical term, but has all the vague and various comprehensiveness due to connection with our vague and varied empire. There are, however, both advantages and disadvantages in ambiguity, and in different sorts of citizenship, municipal, national, federal, and imperial. The paper is a symposium of professors, ambassadors, colonial authorities, and publicists, and is a profitable study of the distinction between a citizen and a subject, concluding with a motion for extending the responsibility for common affairs of the empire beyond the immediate citizenship of the United Kingdom.

A School Atlas of Ancient History. (33 maps and plans, with notes on historical geography. W. & A. K. Johnston, Ltd. 1912. 2s. net.) This is a very compact, clear, and comprehensive atlas of the old world, although the scale is small. The summary of geography and history contained in the notes is an admirable performance.

Luthers Werke in Auswahl. Erster Band. (Pp. v, 512. Cr. 8vo. Bonn: A. Marcus und E. Weber's Verlag. 1912.) 5 works. This selection edited by Otto Clemen will be a most welcome source book of references to the course of the great debate of the Reformation in Germany. The first volume contains carefully annotated Latin texts of the 'Disputatio' of 1517 and the 'Resolutiones' of 1518 concerning indulgences, besides many sermons and controversial writings on theology, both in Latin and the vernacular, during the crucial years 1519 and 1520. The book is handsomely got up, and is furnished by way of apt frontispiece with a facsimile of the articles of Wittenberg in the 'Disputatio' of 1517, which was the first blast of the trumpet.

The Rationale of Rates, by A. D. Macbeth (pp. 132. Glasgow: William Hodge & Co. 1912. 2s. 6d. net), is a well-timed reprint in defence of the system of annual taxation in proportion to rent. Robert the Bruce's 'indenture' of 1327 with the community of Scotland, whereby the latter contracted to give the king the tenth penny of all their rents, is used as a historical illustration of the principle of taxation.

Alexander Henderson, the Covenanter, by James Pringle Thomson, with foreword by Lord Balfour of Burleigh (pp. 160, with four illustrations. Crown 8vo. Edinburgh: Oliphant, Anderson & Ferrier. 1s. 6d. net), is a moderately toned, and of course presbyterian and national, sketch and estimate of the great Moderator of the Glasgow Assembly of 1638.

Various historical essays by John, third Marquess of Bute, are being reprinted in neat pocket volumes at sixpence. *The Early Days of Sir William Wallace* and *David Duke of Rothesay*, both well-known studies, will be welcome to many in this cheap form.

Early Christian Visions of the other World. By J. A. Macculloch. (Pp. x, 99. Cr. 8vo. Edinburgh: St. Giles' Printing Co. 1912. 1s. net.) In this tractate the Rev. Dr. Macculloch adds a historical and theological survey to a subject dealt with long ago by Thomas Wright, and more recently by Mr. Marcus Dods, junior, in his *Forerunners of Dante*.

British History from George I. to George V. (Pp. vi, 304. Edinburgh: W. & R. Chambers. 1912. 1s. 6d.) This is, as its title bears, a 'national' history, brightly written, lavishly illustrated, and likely to be attractive to pupils.

Scottish Heraldry made Easy, by G. Harvey Johnston (Cr. 8vo, pp. xvi, 221, with many illustrations. Edinburgh: W. & A. K. Johnston. 1912. 5s. net), is a second edition of a work which we have already reviewed (*S.H.R.* ii. 212). The new edition is enlarged in various directions. We note with pleasure a list of printed histories of Scottish families. Short bibliographies of this nature are of great value.

To the Cambridge County Geographies is now added *Forfarshire*. By Easton S. Valentine. (Pp. viii, 160.) Furnished with the usual wealth of maps, diagrams, and illustrations, the book blends much biography, sociology, and natural history, with local annals, in its primary topographical scheme. Since 1901 the population of the county has fallen by 2663. Dundee, early a shipping and cloth-making town, supplies the centre for the brief annals, economic and political. Institutional history is meagre, and so is the literary biography. The historic rivalry of Perth is not noticed. Industries are well sketched.

The Home University Series wins no great accession of credit from Mr. Hilaire Belloc's *Warfare in England*, which has met with very destructive criticisms. His references to William the Conqueror's 'castles' seem to betray an inappreciation of the fact that the 'motte,' not the castle, was the mechanism by which the conquest was accomplished. As regards Scotland, perhaps the kindest reviewer would suggest that chapter viii.,

'The Scotch Wars,' should be deleted. Mr. W. M. Mackenzie has demolished its central tenet, that the Eastern Road was without true exception the road of Anglo-Scottish war. There is puzzle in the phrase (p. 245) 'excluding the seizure of the Scottish Lowlands by Edward I. and King John's raid nearly a century later.' Bannockburn was not the first example of foot overthrowing horse, as the author of *Scalacronica* knew (*S.H.R.* iii. 460). An unintelligible but certainly ungrammatical sentence (p. 250) declares that Scotland never recovered from Flodden. Col. Elliot has shown at least very good grounds for a very different opinion (*S.H.R.* ix. 190).

We welcome M. J. A. Lovat-Fraser's sketch, *John Stuart, Earl of Bute* (cr. 8vo, pp. 108, Cambridge University Press, 1912, 2s. 6d. net), not only for its survey of the years 1760-65, in which Bute's brief and unpopular political dominance lay, but also because it considerably rehabilitates the minister whose most grievous crime was probably less that of being the king's favourite than that of being a Scot. Not even his enemies denied that he was a handsome fellow 'and possessed a leg of unrivalled symmetry,' and Mr. Lovat-Fraser, without any delvings to speak of, has unearthed reasons enough to conclude that the fierce political disparagement has unreasonably tainted the personal estimate too.

The essay, though not deep, is bright, and makes effective use of the metrical and other invectives against the Scots in general, with particular point towards the *Montagnard Parvenu*, as English art, with characteristic inappreciation of Scottish ideas of the difference between Highland and Lowland, styled the much lampooned earl.

With a gorgeous title, *The Science of History and the Hope of Mankind* (Cr. 8vo. pp. vii, 76. London: Longmans, Green & Co. 1912. 2s. 6d. net), Professor Benoy Kumar Sarkar starts by profoundly observing that many strange things have happened in the history of the world, and he proceeds to trace among the chief world forces the effect of environment and the influence of outside peoples and ideas on the centres of civilization. He thinks that the hope of the race lies in the activities of external 'barbarians' thus helping to transform every successive age. The little book, with its subtle, solemn and magniloquent periods, is an interesting reflection of how the East regards the legions as they thunder past.

Mr. George Turner's pamphlet, *The Ancient Forestry and the Extinct Industries of Argyllshire and Parts of the Adjacent Counties* (pp. 35), usefully collects the evidences of iron-working in the west, co-ordinating with the old slag mounds the indications of the former prevalence of timber in the localities where these traces of early metal-working are found. Indeed, the main line of the paper is that the iron presupposes the timber.

Charcoal remains found with the slag show the greatest use of birch, next to which comes oak, after which comes ash. Fir and pine have not been observed in the oldest heaps, but make their appearance in the eighteenth century and a little earlier.

Among the evidences corroborative of the slag mounds themselves, Mr. Turner adduces place-names, some of which are not very persuasive. But

the recurrence practically over the whole region dealt with of 'Ceardaich' (Gaelic for smithy) seems to be one satisfactory link in the reconstructive chain. Unfortunately, the author has given no references whatever to the sources for his many facts, beyond a vague allusion to 'the recognised most reliable authorities.' His information is extensive, however, and his study of the whole subject marked by obvious care as well as knowledge.

In the *Proceedings of the Newcastle Society of Antiquaries* (3rd series, Vol. V., No. 16, p. 176) Mr. J. C. Hodgson tracks the hitherto unknown identity of William Elderton, the Elizabethan ballad-writer. One of his pieces was 'A new Ballad declaring the great Treason conspired against the young King of Scots.' Elderton was known as a drunken ballad-maker and attorney in London. Mr. Hodgson now pretty certainly equates him with William Ilderton, brother to 'one [Thomas] Elderton, a common wryter of supplications abowte the Courte and Westminster Hall,' who died in 1586 and was succeeded by his brother in lands at Ilderton in Northumberland, on the edge of Cheviot.

One difficulty, however, arises from the fact that while in 1586 William, the heir of Ilderton, was about forty years old, the ballads set to the credit of the bard bear dates going back from 1584 to 1561 and 1559. One of Elderton's pieces assigned to 1569 is 'A ballad intituled Northumberland Newes,' while another, undated, is styled 'Newes from Northumberland.' These are significant of a connection with the northern shire.

We may add that Elderton's or Ilderton's ballad about the treason against King James is that printed as 'Bishop and Browne' in Hale and Furnivall's edition of *Percy's Folio M.S.*, ii. 265. Evidently from the same hack poet's pen is another piece, 'Kinge James and Browne,' also printed by Hale and Furnivall, i. 135.

Mr. J. C. Hodgson, F.S.A., of Alnwick, has been good enough to supply the editor of the *Scottish Historical Review* with the following note on this subject :

The weak link in my attempted identification of William Elderton, the Elizabethan ballad-writer, with William Ilderton of London, who, in 1586, succeeded to lands at Ilderton in Northumberland, is the discrepancy between the ascribed age of the poet and the age of the heir as stated in the inquisition *post-mortem*.

The evidence for the identification may be shortly stated as follows :

The identity of name: for in the sixteenth century the Northumberland surname was as often spelled Elderton as it was Ilderton.

The fact that at least two of the surviving ballads refer to the then remote and poor county of Northumberland.

The statement that William Ilderton, the heir, was brother of a scrivener or writer of petitions named Elderton, carrying on his trade at, or near, the High Courts of Justice at Westminster.

The discrepancy of age may perhaps be met by the following explanation:

As is known to all students of the medieval period, the inquisition *post-mortem* was an engine in the fiscal system of the realm to inquire whether anything was due to the Crown, or Royal Treasury, on the succession of

the heir to his predecessor's estate. During the minority of the heir the profits of the estate belonged to the Crown, as did the profits arising from the sale of the ward's marriage. If, therefore, the heir was able to satisfy the royal officer (or Commissioner of Inland Revenue, as we should term him) that he was of full age, it made not the least difference to the Crown if his age was understated. Moreover, the inquisition was taken in the county wherein the lands lay, whereas the heir, as in this case, might reside elsewhere, and the evidence offered to the jury was repute, or common fame.

A modern illustration, although not in all respects parallel, is furnished by the declarations made to the Registrar, or Surrogate, for granting licence for marriage, when the lady, for reasons best known to herself—or for no reasons at all—gives her age as twenty-five years when she is known to have seen thirty summers. For the Registrar, it is enough that she has reached the age when no consent of parents or guardians is required by the law.

Therefore it must, or may be assumed, that William Ilderton, the heir, who was probably not present at the inquest, was actually not less than five years older than the forty years reported to the jury.

There is in the Upcott Topographical Collection at the British Museum a rare black letter tract printed in London 'for Thomas Gosson, dwelling in Paul's Church-yard next the Gate, the corner shop to Cheapside, at the signe of the Goshawke in the sonn,' entitled 'A true report of a straunge and monsterous child born at Aberwick in the parish of Eglingham in the Co. of Northumberland, this fifth of January 1580.' Abberwick is only a morning's walk from Ilderton, and it is possible the unbelievable account of the monstrosity may be from Elderton's pen.

Aberdeen University Library Bulletin, No. 4, October, 1912, has a notice, 'Arcades Ambo,' of the late John Fyfe (1827-1897) and of Dr. Robert Walker (now Registrar), as Librarians of the University. An epigram is worth noting: 'the Caliph Omar can never die.' Glasgow remembers the proposal to sell the Hunterian coins.

In a bulletin (for July) of the History Department in Queen's University, Kingston, Canada, Professor J. L. Morison estimates (somewhat on lines he has already followed in our columns regarding Lord Elgin) the service to imperial constitutionalism rendered by Sir Charles Bagot in 1842-43, when, defiant of implied instructions from Westminster, he conceded to Canada its first instalment of autonomy by nominating a ministry which had the Canadian electorate at its back.

In *The Modern Language Review* (July) Professor Kastner, assisted by E. Audra, makes an important addition to Scots literature by editing two eclogues and various fragments, translations, and epigrams from unpublished manuscripts of Drummond of Hawthornden. No poet's reputation for original work has suffered more in recent times than Drummond's, and it is pleasant to find Dr. Kastner, the critic best entitled to judge, expressing so high a sense of the literary value of the new finds. Drummond is now ripe for a greatly revised estimate, and Dr. Kastner's prospective re-edition of his poetical works cannot fail to start a whole series of fresh standpoints

of criticism, not only on his workmanship, which probably will triumph on any test, but also on the ethics of undisclosed adaptation and imitation, about which the Jacobean canon admitted considerable license and audacity.

In the *English Historical Review* for July Professor Haskins assembles the data of many unedited charters illustrative of the history of Normandy under Geoffrey Plantagenet. Among his citations from MS. is a poem addressed to and singing the praises of Rouen during the residence of the Empress Matilda. It contains a line claiming the frosty Scot among the subjects of that 'imperial' city 'Rothoma,' which, according to its panegyrist, resembled 'Roma' not only in name but in worth.

'Viribus acta tuis devicta Britannia servit :
Et tumor Anglicus et Scotus algidus et Galo sevus
Munia protensis manibus tibi debita solvunt.'

Mr. Kingsford presents much valuable fact from a collation of an unpublished text of Hardyng's *Chronicle*, and throws a great deal of light on the general sources used by the author. The numerous references to Scottish history may call for further comment when the second part of the article appears containing extracts from the Lansdowne MS. 204.

The Rutland Magazine (June) photographs groups of Anglo-Saxon brooches from Market Overton, and is as usual rich in local lore. A paper by Rev. D. S. Davies on village life extracts from a Witham-on-the-Hill account this item (anno 1554, which must be an error):

'Paid for horsemeat (provinder) at the going out of the Queen of Scotts at Grantham 2/4.'

The true date surely was December, 1551, when Mary of Guise, 'the olde queene of Scottes,' as Fabian styles her, was returning from her visit to France.

In the number for July, a paper on the Blackfriary burial describes the discovery at Stamford of the leaden coffin of John Staunford. On the breast of the deceased was found a decayed parchment, which Mr. G. F. Warner deciphered sufficiently to identify it as an indulgence by Boniface IX. in 1398, empowering Staunford to choose his own confessor. This disproved a local opinion that the body was that of Joan, the Fair Maid of Kent, mother of Richard II. Photographs of the coffin and the defaced indulgence add to the interest of the attractive article.

Notes and Queries for Somerset and Dorset (Sept.) continues the interesting text of the roll of tenancies of Sherburne in 1377. Some terms of land measure puzzle a northern reader. One man holds *septem statilla in la Castelton*; another has *j hamam prati*. The last instalment is given of Abbot Monington's *Secretum*. An entry from a report on the possible defences of Dorset in 1588 against the expected Spaniards contained the interesting suggestion that 'in the countrey are dyvers old intrenched places easye with smale charges to be made stronge.' A note on this remarks that the proposal thus to dress up medieval earthworks is perhaps without a parallel in Dorsetshire history. A more northerly parallel, however, would

be found in the sixteenth-century scheme to utilize the Wall of Hadrian for repression of the Scots.

Berks, Bucks, and Oxon Archaeological Journal (April) describes an excursion to White Horse Hill, and deals with the equine figure cut on the hillside and with its tradition and relative ceremonies.

In the number for October, Mr. J. H. Round, in a pedigree paper, illustrates the use of alternative surnames, the family name and the manorial, in the eleventh century. Other articles deal chiefly with church subjects, one of them the offering by Henry III. of 'baudekins,' or brocades of gold, to Westminster, out of reverence for Edward the Confessor.

The Home Counties Magazine (June) has a good architectural paper, with drawings of the Chapel Royal of Dover Castle. It also illustrates and describes a fascinating restoration—that of St. Alban's shrine. Destroyed by authority in 1539, its materials were cast away as rubbish, but in 1847 over 2000 pieces of Purbeck marble, by chance unearthed, were very successfully put together again by the late Mr. Micklethwaite, architect to Westminster Abbey. Mr. Cornelius Nicholls gives an account of Touching for the King's Evil, with a plate of touch-pieces and a print of that pious monarch, Charles II., performing the miraculous ceremony.

The Poetry Review, issuing from the St. Catherine Press, Norfolk Street, Strand, W.C., price 6d. net, is a new monthly established to print, criticise, and promote the appreciation of high-class poetry.

In the *Juridical Review* for June Sir Philip Grierson edits the very interesting but doleful 'Memorandum of the progress of James Grierson of Dalgoner when it came to his knowledge that he was proclaimed rebell at the Crosse of Dumfries,' *i.e.* in consequence of the Pentland Rising. James Grierson's action, on his own showing, was so compromising that he could scarcely have expected to escape severe treatment as at least a suspect, but his sufferings were more than sufficient expiation. He hesitated and was lost, being indiscreet enough to accompany the insurgents by riding 'a piece with them' on their ill-fated expedition after the capture of Sir James Turner on 15th November, 1666. The document adds an intimate note to the known circumstances of the Pentland Rising. Mr. Lovat Fraser sketches the career of Henry Erskine (1746-1817), a great advocate and wit, to whom luck was adverse. In the July number Sheriff James Ferguson, K.C., writes, not very critically, on the Barony in Scotland; and Mr. J. Robertson Christie discusses the Doctorate of Laws in Scottish Universities.

In the number for October, a far from profound article by Mr. A. Betts deals with Roman marriages. Mr. J. A. Lovat Fraser sketches clearly and cleverly the impeachment and acquittal of Henry Dundas, Lord Melville, in 1806.

Old Lore Miscellany, Vol. V. Part III. (Viking Club, July, 1912), maintains its Norse and Orcadian interest. Notable items are charms and witchcraft episodes from John o' Groats and an important criticism of Dowden's *Bishops of Scotland* as regards the Orkney bishops.

The *Saga Book* of the Viking Club, Vol. VII., Part II., has an experimental and very unsatisfying derivation of *Scaldingi* [= Vikings] from Old Saxon **skalda*, a vessel propelled by punting. Dr. A. Bugge describes Viking costume and furniture. Dr. H. Fett writes, with many photographic reproductions, on miniatures from fourteenth century Icelandic manuscripts. Mr. W. F. Kirby deals with William Herbert's poetic adaptations and translations from the Norse. Dr. A. W. Brøgger describes a hoard of Anglo-Saxon silver coins from the eleventh century from Ryfylke, Norway. He mentions that 30,000 English coins of date 980-1050 were known as found in Scandinavia up to 1900. One of the Ryfylke or Foldøen coins bears the stamp LEOMÆR ON IÓÐ. It is interpreted as from the supposed Jedburgh mint.

The Viking Club's Extra Series, Vol. III., forms a handsome quarto of *Essays on Questions connected with the Old English Poem of Beowulf* by Knut Stjerna: translated by John R. Clark Hall. (Pp. xxxv, 271, with many illustrations and two maps. Coventry: published for the Viking Club by Curtis & Beamish, Ltd. Price 12s. 6d. net.) There are 128 illustrations of northern objects, such as helmets, swords, shields, spears, fragments of armour, sculptures, ornaments, coins, rings, horse trap-pings, etc., considered apposite to the illustration of the deceased scholar's archaeological commentary on the Anglo-Saxon poem. They are adduced in support of his very learned argument for a complete identity of the funeral customs in use by the Swedes at the burial of their king and those which the Geats followed in honour of Beowulf, and of his inference that the 'Odinshög' mound at Gamla Upsala was the monument of the victory of the Swedes over the Geats or Gauts circa A.D. 500-550, while the defeated Geats raised a second monument to their king in the shape of a poem, 'which has remained the finest memorial of their lost dominion.' The rites of the burial of Beowulf are exhaustively compared with the archaeological data from the grave mound at Gamla Upsala with results which give remarkable countenance to the young student's conclusions.

A less envious fate might have allowed his positions to be checked and fortified by studies continued through a course of ripening years and experiences. But Dr. Stjerna, born in 1874, paid for the brilliancy of his early archaeological distinctions by a premature death in 1909; and his essays, full though they are of interpretative ingenuity, suffer from the lack of a sustained process of revision at the author's own hand for a number of years. Yet in such cases as his the work is done by an eager spirit pressing on with unhalting vigour to the end of every avenue of enquiry. It is astonishing how much can be done in a very little time when a discoverer strikes a trail of promise. Stjerna undoubtedly attempted a daring archaeological flight in proposing to equate the 'Odinshög' with Beowulf's veritable grave, but it was not quite a fiasco. Dr. Clark Hall, known as a translator of Beowulf, has sympathetically translated the commentary, prefixing an introduction, in which a generous yet critical exposition of Stjerna's proposition proceeds upon an acceptance of his main contentions that the story bore on the downfall of the Geatic kingdom, that arms and armour of

the poem suit that period, that the Swedish Ongentheow was the 'Vendel Crow' of Swedish tradition, and above all, that there are fascinating parallels between the funeral in the poem and the facts from the grave in the 'Odinshög.' That the final identification goes beyond the hope of verification may well be the conclusion which cold-blooded criticism will have to draw, yet the annals of English literature may reserve a corner to mark the service to *Beowulf* rendered by Dr. Stjerna.

In the *American Historical Review* for July Mr. A. C. Coolidge discusses the European Re-conquest of North Africa, questioning whether France can demonstrate her dominion over the Arabic civilization. Mr. E. D. Adams reviews the negotiations of Lord Ashburton for the treaty of Washington in 1842. A journal of July-August, 1812, of very great interest, is edited, being that of William K. Beall, assistant quartermaster-general under General Hull, in the enterprise on Canada. Beall, to his surprise, found himself a prisoner on board the schooner *Thames* on Lake Erie, and beguiled the captivity by a long diary of his experiences. Just before the detention of his ship, while sailing on Lake Erie, he 'opened the Lady of the Lake,' from which he transferred a quotation. Considerable apprehension existed over the attitude of the Indians to the American captives. Beall saw a good deal of them, among them the famous chief, 'the great Tecumseh.' Friction broke out over the conditions made by the British officers on the ground of the supposed danger from the Indians. Beall tells how he let them all see that he cared little for 'tomahawks, scalping knives, and frowning Indians,' declaring, with some touch of American rhetoric, that he would ask no favour from his captors. 'No,' says he, 'rather should my head stoop to the block or dance upon a bloody pole than stand uncovered and meekly ask them for a kindness.' He ekes out his daily tale of minor things with occasional verses on the young wife he had left behind him at home. Happily there was no occasion for the bloody pole. When the diary closes, General Brock, the British commander, 'has gone up by land with 400 men, principally militia, to operate against our army,' *i.e.* to drive the United States forces into Detroit and capture them—General Hull being subsequently court-martialled for his bungling, or worse, in the campaign. Beall's diary, written at the time and near the scene of operations, documents the movements of 1812 in a very direct and pregnant fashion.

In the same *Review* for October, students of ecclesiastical law in Scotland will turn with well-founded expectation of profit to a paper by Mr. W. E. Lunt. The 'Annat,' one of the strangest and most interesting survivals in Scotland from pre-Reformation church law, has its papal origins now very clearly worked out. Mr. Lunt has had the good fortune to discover in the register of Simon of Ghent, Bishop of Salisbury, the letter of Clement V., dated 1 February, 1306, ordaining the payment of papal annates. The operative part of the letter is quoted below:

'Clemens episcopus servus servorum Dei [to the collectors of ecclesiastical fruits, etc., "primi anni omnium beneficiorum ad presens in Anglie et Scotie regnis Hibernie et Wallie provinciis earumque civitatibus et diocesisibus vacantium," etc.] . . . Quare nos . . . fructus redditus et proventus

primi anni omnium et singulorum beneficiorum ecclesiasticorum cum cura et sine cura, etiam personatum et dignitatum quarumlibet ecclesiarum monasteriorum prioratum et aliorum locorum ecclesiasticorum tam secularium quam regularium exemptorum et non exemptorum, que in Anglie et Scotie regnis et Hybernie et Wallie provinciis sive partibus eorum civitatibus et diocesibus vacant ad presens, et que usque ad triennium vacare contigerit, [with some exceptions] non obstante quod fructus . . . hujus primi anni ex privilegio sedis apostolice vel alias . . . alicui vel aliquibus deberentur vel in usus forent aliquos convertendi pro ipsius ecclesie oneribus facilius celebrandis in ejus agendorum subsidium auctoritate apostolica per alias nostras certi tenoris litteras duximus deputandos . . . Quo circa . . . discretioni vestre per apostolica scripta mandamus quatinus prefatos fructus . . . per vos et subcollectores . . . deputandos, diligenter colligere et exigere . . . curetis.'

Apart from this vital letter altogether, Mr. Lunt's paper, with its heavy array of documentary references, shows the considerable development of the institution under Pope Clement, its originator, in opposition to the earlier view that Pope John XXII. was its organizer.

Other subjects in this number are the administration of American archives, legalized absolutism *en route* from Greece to Rome, and the position of nonconformity under the Clarendon Code (1661-1665), which so effectually nullified the promises of tolerance held out by the Declaration of Breda of 1660.

The *Iowa Journal* for July continues the history of the Iowa Code. The number contains also in translation a Dutch schoolmaster's diary of his journey from Rotterdam to Pella, Iowa, in 1849. The sailing ship *Franziska* left Rotterdam, May 3, and reached New York, June 13. John Hospers, the diarist, had little to record; a rough passage, several funerals at sea, including that of his own little daughter, and some flat reflections. Other papers trace the adventurous story of emigration to Oregon in 1843, deal with the militia organization of Iowa during the civil war, 1862-64, and describe 'the assault upon Josiah B. Grinnell,' a Congressional episode of 1866 due to party fury over the slave question.

In the October number Mr. T. Teakle describes John Brown's historic raid in 1859 and the subsequent controversies over the refusal of the Governor of Iowa to surrender for trial in Virginia one of the raiders, Barclay Coppoc, who had luckily escaped capture, and the 'sour apple-tree' of his leader's fate.

The *Revue Historique* (Juillet-Août) has an article concerning the beginnings of Protestant reform at Bordeaux, and of interest for the career of George Buchanan. It deals with an exceedingly interesting group of emancipated thinkers at the College of Guienne, among whom was Buchanan, as well as at Agen, where J. C. Scaliger exercised great intellectual influence. The relationships of the many scholars noticed make the career of Buchanan increasingly intelligible and significant as one of the forces of the great movement the group represents.

In the number for September-October M. Guyot traces the constitu-

tional transitions in France from the Directory to the Consulate, with new detail regarding the actings of Napoleon. M. Matter begins a study of the origins of the Cavour family, the Bensi, whose ancestral domain was the town of Chiéri, near Turin. M. Alazard, examining the insurrection at Lyons in 1831, assigns it to economic causes, chief of which was the silk tariff. A sympathetic notice of Andrew Lang characterizes his intellect as more subtle than profound, more expansive than creative; and styles him a poet, scholar, humanist, mythologist, and journalist, a historian of vast reading and knowledge, an indefatigable worker, and a critic of great erudition, whose eagerness explains some inexactness of detail.

In the Nov.-Dec. number the conclusion of the Cavour article brings the subject down to Camille de Cavour himself, tracing his characteristics to the influences of his Benso ancestry. M. Renaudet begins a sketch of the earlier years of Erasmus, and M. Marx presents an inedited account of the death of William the Conqueror.

The October and January numbers of the *Revue d'Histoire Ecclésiastique* contain the concluding instalments of studies of the Juristic basis of the early persecutions and the early days of Christianity in Sweden, by MM. Callewaert and Bril. M. Paul de Puniet contributes to the latter number an article on the traditional value of the words of consecration.

The number for July discusses Tertullian, Unction and Confirmation, and Tithes of Ecclesiastical Property in the tenth and eleventh centuries.

In the *Archiv für das Studium der neueren Sprachen und Literaturen* for April, Mr. Frank Miller has transcribed and edited two ballads, 'Lord Maxwell's Goodnight' and 'Fair Helen,' from the Glenriddell Ballad MS. written by Captain Robert Riddell, who died in 1794. The texts now exactly edited, as shewn alongside those in Scott's *Border Minstrelsy*, disclose many minor divergencies due to editorial license a century ago.

In *Archivum Franciscanum Historicum* have lately been appearing several interesting articles and documents relating to St. Clare and her Order, called forth by the seventh centenary of the foundation of the Poor Clares. In the issues of April and July last Father L. Oliger discusses, from a study of early sources, the origin of the rules of the Order. In that of October Father B. Bughetti, in continuation of previous articles, gives some negative results of his researches into the authorship of the *Legenda versificata*, and the same number contains a discussion, by Father Paschal Robinson, of the historical authenticity of the passage in the *Fioretti* (chapter xv.) which tells 'how Saint Clare ate with Saint Francis and the Brothers, his companions, in St. Mary of the Angels.' Father Robinson has come to the conclusion that this incident and its picturesque setting are not historical, on the ground of their not being mentioned in the contemporary biography of St. Clare, and for the further reason of there being no corroboration in any of the other sources. It seems to Father Robinson 'that, like so many other details in that golden book, they are purely fanciful.'

Notes and Replies

THE FOUNDATION OF NOSTELL AND SCONE. In my notes on this subject (*S.H.R.* vii. 141-159) I hesitated to interject a curious charter which, if trustworthy or capable of chronological interpretation, has an important bearing on the date of the establishment of the Augustinian canons at Nostell, and thereby on the coming of the canons to Scone. The Augustinians of Nostell, as I endeavoured to show, had papal recognition early in January, 1120. But how long they had been settled there before that time is only a matter of inference, involving a lengthy argument on the comparison of a multitude of charters in order to strike an equation as to an earliest date. Chronology here is of considerable interest if the accuracy of the Scottish chronicles is to be maintained with regard to the foundation of Scone.

It will be better first to reproduce the cryptic writing in the hope that it will evoke the criticism of charter scholars. It was copied years ago by me from the Chartulary of Nostell (Cotton MS. Vespasian, E. xix. f. 101^b).

CARTA TURSTINI EBORACENSIS ARCHIEPISCOPI.

Turstinus dei gracia Eboracensis archiepiscopus, toti clero et populo Eboracensis ecclesie Sancti Petri, immo omnibus uniuersalis ecclesie filiis, salutem et benedictionem. Notificamus uobis quendam conuencionem factam in presencia nostra inter ecclesiam de Federstan et ecclesiam sancti Osuualdi. Monachi namque de Caritate et sacerdos de Federstan, qui calumpniabantur eam adiacere parochie de Federstan, et canonici clamauerunt eam solutam et quietam ab omni consuetudine et seruicio, ita quod canonici regulariter deo ibi seruiant et habeant cimiterium ad opus suum et seruicium suorum omniumque iuxta eos habitancium in terra que dicitur Nostlet, et in hanc conuencionem clamauerunt clerici Sancti Osuualdi quietas omnes ecclesiasticas consuetudines quas habebant de Hardewic ecclesie de Federstan, Me Thoma archiepiscopo ij^o et Rodberto de Laceio et Anfrido et Bernewino presbiter[is] et Rad[ulfo] clerico presentibus et confirmentibus, et hoc factum est prima feria in dedicacione ecclesie Sancti Osuualdi. Teste, etc.

While recognising the literary and grammatical difficulties of the text, as well as the indications that we have it in abbreviated form, what historical inferences can be drawn from the text as it stands in respect of the date of the dedication of the church of Nostell? It seems clear that the writing is a charter of Archbishop Thurstin in confirmation of a previous charter of agreement made by the intervention of Archbishop Thomas the Second on

the Sunday during the solemnities of the dedication of St. Oswald's Church, and now embodied *currente calamo* in Thurstin's charter. If that be the case, the dedication took place between 1109 and 1114, while Thomas was Archbishop, and such event synchronises with the date of Scone, the offshoot of Nostell, as adumbrated in the chronicles.

Though the inference may be considered a little wild, I would invite the opinion of critics who can bring a fresh judgment to it, uninfluenced by the tangled history of the institution. The charter appears to be a sort of palimpsest, but which part belongs to Archbishop Thurstin, and which to Archbishop Thomas, his predecessor? It may be added that the Cluniac monks (*monachi de Caritate*) of Pontefract had a joint interest in the church of Fetherston with the canons of Nostell.

JAMES WILSON.

Dalston Vicarage.

Dr. Wilson has produced a real puzzle. Those who, like myself, have not acumen enough to interpret the document for themselves, will readily accept his explanation, viz. that we have to do with a transaction approved by Archbishop Thomas and here confirmed by Archbishop Thurstin. But from so confused a narrative it seems impossible to say how much belongs to the earlier and how much to the later archbishop. And we have it distinctly stated in Henry I.'s charter that the Canons Regular were placed at Nostell by Archbishop Thurstin. Taking this as our guide (as in the circumstances I think we are bound to do), it follows that St. Oswald and his 'clerks' the canons belong to the later epoch, and that the transaction of Archbishop Thomas' time must have concerned the brotherhood of hermits, who at Nostell (as at its grandchild, Inchaffray), preceded the canons (see *Monasticon*, vi. 89 n.).

But a great deal of undisputed darkness remains. How do the *monachi de Caritate* come in? Were they of the ancient house of that name on the Loire? And can no sidelight be obtained from that quarter?

J. MAITLAND THOMSON.

It seems to me that this charter is so imperfect and so badly transcribed that it is not safe to draw any conclusion from it.

Before 1100 Robert de Lacy founded at Pontefract a priory of canons from the house of La Charite in France on the Loire. Close to Pontefract, at Nostell, there was then a hermitage; and between 1114 and 1120 Archbishop Thurstin, with the assistance of Ilbert de Lacy and Robert his son, founded a priory at Nostell, dedicated to St. Oswald, on the site of the hermitage. To that Radulf de Fetherston gave ten acres and Robert de Lacy gave two bovates in Hardwic. Ilbert and Robert de Lacy were expelled from the realm, and Pontefract was given to Hugh de la Val, who granted the church of Fetherston to the priory of St. Oswald. These grants were confirmed by Henry I. in his charter to Nostell in 1121.

Dr. Wilson says that Pontefract and Nostell had a joint interest in the church of Fetherston, and that and the neighbourhood of the houses and their adjacent lands made it difficult to avoid disputes.

One of these disputes is dealt with in this charter. Archbishop Thurstin

announces that the representatives of the two priories and the priest of Fedirstan had appeared before him and made an agreement regarding a land not named, possibly Hardwic, which the priory of Pontefract seems to have yielded to Nostell on the latter waiving its claim to church dues in Hardwic.

The Archbishop Thurstin says distinctly that this took place in his presence. It is impossible to reconcile that statement with the following words in the charter: 'Me Thoma Archiepiscopo 11^o et Rodberto de Laceio et Aufrido et Bernewino presbitero et Rad. Clerico presentibus et confirmantibus.' I suggest that the original deed had 'Me Th. Archiepiscopo,' and that the transcriber extended Th. as Thomas instead of Thurstin. I think it is certain that Archbishop Thomas the Second, who died in 1114, was dead before the foundation of the priory of Nostell, while clearly this agreement was made in the lifetime of his successor, after the canons were established there.

A later agreement made in 1317 between the two priories regarding land in the parish of Fetherston is printed in a charter of Pontefract Priory, No. XI. on page 124 of volume v. of Dugdale's *Monasticon*.

A. C. LAWRIE.

THE HONORIFIC 'THE' (*S.H.R.* x. 39). Sixty-four years ago a couple of volumes were published by Blackwoods entitled *Lays of the Deer Forest*, by John Sobieski and Charles Edward Stuart. The first volume consists of a collection of poems whereon I can express no opinion, not having read them; but the second and larger volume (560 pp.) contains notes on the poems, *plus* notes upon the notes, and is a delightful repertory of Highland lore, natural history, and incidents of wild sport. One of the footnotes to these notes (page 245) bears upon the subject of Mr. Dallas's interesting paper. Bearing out as it does his view of the modern origin of the honorific 'the,' I transcribe it: for *Lays of the Deer Forest* is not a book one commonly comes across.

'In the modern confusion of all Highland usages, it has recently become a common error to name the chieftain of the second house of the Clan Chattan as *The MacIntosh*. This new title has been adopted, we suppose, in imitation of the hereditary patronymic *An Siosalach—The Chisholm*. But there is no instance of an application of the definite article to any Gaelic name accompanied by the filiation *Mac*; and, as a family title, the usage, when combined with the abstract construction of a surname terminating in *ach* (as *An Domhnallach*, *An Leodach*, etc.) is confined to the name of Chisholm. The reason for this singularity is that this family was not originally a Gaelic race, and their name was introduced into the Highlands at a time when many of the low-country appellations, like one class of the French and Anglo-Norman designations, were accompanied by the definite article, as the Bruce, the Douglas, the Wallace, etc. The Cisolach or Chisholms were originally a branch of the Norman Sysilts or Cecils, which were early settled in Roxburghshire. . . . The termination *-ach* is merely a relative final particle, as the Anglo *-er* and *-ish* in Warrener, English, etc., and the French *-ard* in Clanard, Bayard, etc. So in Gaelic

the generic name derived from Domhnall, Leod, Cecil, etc., become Domhnallach, Leodach, Cesolach, etc. But the latter having never acquired the affiliative prefix *Mac-* retained as its patronymic its original foreign style of the article—"an Siosalach." This is conformable to the usage of the Gaelic in generic names formed by the terminative particle without the preceding relative, as An Domhnallach, An Leodach, An Toiseach, etc., expressive of *the Man, i.e. chief*—of the race of Donald or Leod or Toiseach. This, however, is only an allusive form in speaking of a superior, and, except in the instance of the Chisholm, *never* was used in a patronymical style, since it is equally common for describing any individual of a clan name. But while the article is admissible in the above construction, it is utterly unknown in any designations commenced by the word *Mac*, and to say Am Mac-Domhnall, Am Mac-Leod, Am Mac-antoisich—the Macdonald, the MacLeod or the MacIntosh—is as burlesque and theatrical an absurdity as to speak of *the* Hamilton or *the* Atholl, *the* Norfolk or *the* Shrewsbury.

The authors err in equating what they call the 'relative final particle' in Gaelic with the English suffixes *-er* and *-ish*. The English suffix *-er* is substantival, denoting the agent: *e.g.* Warrenner, one who keeps a warren. The suffix *-ach*, on the other hand, is adjectival, corresponding to the English suffixes *-ish*, *-ful*, *-some*, etc. It may be recognized in some of the Celtic place names preserved in France—Pauillac, Mugillac, Callac, Phipriac, etc.

Monreith.

HERBERT MAXWELL.

IS 'O, KENMURE'S ON AND AWA, WILLIE,' A SONG OF 1715? It has generally been taken for granted that the popular song 'O, Kenmure's on and awa, Willie,' which Burns worked over and published in *The Scots Musical Museum*, relates to William Gordon, the sixth Viscount Kenmure, commander of the Jacobite forces in the south of Scotland in 1715. Lately, however, Mr. William Macmath suggested, in *The Scots Peerage*, that the hero of the song was possibly Robert Gordon, the fourth Viscount Kenmure. This daring soldier joined the Highland rising of 1653, and organized levies in Galloway to fight for Charles II., attracting recruits by exhibiting at the head of his corps 'a Rundlet of Strong-waters . . . which they call Kenmore's Drum.'¹ In Mr. Macmath's opinion, the 'grave, full-aged' gentleman on whom the command of the Border insurgents was thrust in 1715 is less likely than the dashing leader of 1653 to have inspired such a stirring lay as 'O, Kenmure's on and awa, Willie.'

It is certain that in 1715 there existed in Galloway little of that enthusiasm for the Stuart cause which in the North prompted so many fine songs. Memories of Claverhouse and Lag were still fresh in the South-West; and, as we are informed by Peter Rae in his *History of the late Rebellion* (Dumfries, 1718), many of the Galloway farmers were so strongly Hanoverian in sympathy that they went to Dumfries to defend the town against their own lairds.

That the Galloway song refers, not to the rising of 1715 but to that of

¹ *Mercurius Politicus*, No. 176.

1653 appears to have been the tradition of the Kenmure family. In Ruskin's *Præterita* (volume iii. section 73) we read: 'I was staying with Arthur and Joan at Kenmure Castle itself in the year 1876, and remember much of its dear people; and, among the prettiest scenes of Scottish gardens, the beautiful trees on the north of that lawn on which the last muster met for King Charles; "and you know," says Joanie, "the famous song that used to inspire them all, of 'Kenmure's on and awa, Willie.''"

FRANK MILLER.

SCOTTISH PILGRIMS IN ITALY (*S.H.R.* ix. 387). A somewhat rare volume, *La Garfagnana Illustrata*, by Doctor Pellegrino Paolucci, printed at Modena in 1720, has the following reference to the shrine of San Pellegrino, one of the Scottish Saints still revered in the Garfagnana:

'Sono io testimonio di veduta, nell' anno 1690, vi comparvero dodici Signori Scozzesi, i quali a ginocchia ignude (apparently they came in kilts) e ginocchioni in distanza della Chiesa circa cento passi cantavano in un istesso tempo e piangevano dirottamente. Giunti alla Porta del Tempio seguitarono ginocchioni, finche giunsero al Luogo del Sacro Deposito, baciando frequentemente il pavimento e bagnandolo di lagrime.

'Al vedere quel loro Santo Rè dentro a' Cristalli diedero in un rotto di pianto sì grande che mossero a lagrime tutti gli Astanti. Fecero la mattina seguente le loro divozioni, con esemplarità incomparabile, e discorrendo io seco in Idioma Latino, mi dissero che sospiravano di poter vivere, e morire in quel luogo santificato dal loro Monarca. E che ogni anno sarebbe venuta dalla Scozia una moltitudine incredibile a venerarlo, ma che non avevano di chi fidarsi. E che se fossero palesati sarebbero crudelmente giustiziati.'

This is the account of an eye-witness, and of one who wrote soberly as befitted a lawyer and a Sheriff of the district where the shrine of his patron lay. His words seem to prove that much later than one would have expected, the memory of San Pellegrino survived, not only in the Garfagnana, where indeed it still lives,¹ but even in the distant land of his birth.

Florence.

J. WOOD BROWN.

BURGH OF DUNBAR CHARTERS.—A number of deeds belonging to the royal burgh of Dunbar were recently discovered in the office of an Edinburgh firm of writers. They include charters by James II., James VI., deed of gift by Queen Mary, and various instruments of sasine; they are in excellent preservation. The Town Council of Dunbar has requested Dr. Wallace-James of Haddington to report to them on these deeds.

¹ The Garfagnana is noted for its rustic drama played in spring under the shade of the chestnut woods. One of these *Maggi* in my collection bears the following title: 'Maggio di San Pellegrino, figlio del Re di Scozia' (Ottava edizione, Volterra, Tip. Sborgi 1892), and shows that the legend of this errant Scot is very much alive in the neighbourhood of the church that bears his name and offers his body to the reverence of the faithful.

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The Royal Scottish Academy

IT is now more than a year since the R.S.A. took possession of its new quarters on the Mound in Edinburgh, an event which marked an epoch in its history, and seems to invite some review of its origin and progress, some estimate of its present work, and perhaps a glance towards its future.

The student who desires to follow the story in detail will find few books to depend on, and those few rather dull reading. The Constitution and Laws of the Academy have been several times republished, and it prints a general annual report. Sir George Harvey's Notes¹ and Sheriff Monro's volume² deal with the controversies which preceded its birth and clouded its early youth. But these books, while they record the facts and arguments, have unhappily caught scarcely a spark of the enthusiasm and humour without which the germination of such an institution in the cold soil of Scotland would scarcely have been possible.

The R.S.A. is young as academies go. The year 1648 saw the foundation of the French Académie des Beaux Arts, 1671 that of the Académie d'Architecture, and 1677 that of the French School which still occupies the Villa Medici at Rome, all during the reign of Louis XIV. The Royal Academy of Arts in London dates from 1768. On December 7th of that year the project for its formation was submitted to George III. Three days later he added his signature with the words, 'I approve of this plan, let it be put into execution.'

¹ *Notes of the Early History of the Royal Scottish Academy*, Edinburgh, 1873.

² *Scottish Art and National Encouragement*, Edinburgh, 1846.

It was not till 1808 that the first germ of the R.S.A. made its appearance, when a group of Scottish artists prepared to hold their first exhibition in Edinburgh. This exhibition was opened in Core's Lyceum, Nicolson Street, on 20th June, 1808, and contained 178 works shown by 27 artists. It was followed in 1809 by another exhibition, the first of several held in Raeburn's Gallery in York Place¹ by the 'Associated Artists,' as they now called themselves. It included works by Raeburn, Patrick and Alexander Nasmyth, George Watson, and Thomson of Duddingston. This venture prospered so well that when it was wound up in 1813 there was a large² fortune in its treasury. It is not clear why the Association was wound up. The desire to seize the spoil is given as the reason, but the members might have divided the golden eggs without killing the goose. In Scotland one would not expect such a valuable bird to come by an untimely death even at the hands of artists, who are not generally supposed to be men of business. But it did, although the exhibitions were continued for three more years under the old name.

In 1818 a new body comes on the scene, namely, the 'Institution for the Encouragement of the Fine Arts,' called, for short, the 'Institution,' and after 1827, when it received a Royal Charter, the 'Royal Institution.' This was a voluntary association of Scots gentlemen who, on payment of £50, became shareholders or life members. The reader will instinctively feel that a body with such a name and such a constitution never had much chance of success, even though it included many of the great names of Scotland. Its aims were lofty, but vague. It began by contemplating a series of exhibitions by the old masters, whose works were at this time arriving by scores in Scotland from Italy and Flanders. Exhibitions of this nature were actually held, again in York Place, in 1819 and 1820. But in 1821 the programme was varied with an exhibition of the works of living artists, who proved so much more attractive than the old masters, that the experiment was repeated every year till 1829. The Institution, remembering perhaps the fate of the earlier venture, had provided in its rules that no professional artist should take part in the management, although a dozen artists were admitted as

¹ Till 1811 the number is given as 16, later as 32. The street seems to have been re-numbered.

² Raeburn, in a letter dated 24th December, 1822, says £500 or £600. Sir George Harvey in his notes mentions £1888 as the sum.

associates and five more as honorary members. Here was the making of an easy quarrel. Possibly the artists ought to have been grateful for the opportunity given them of showing their works. But they certainly were not content. They considered the exhibitions ill-managed, and resented the fact that the Institution thrived on their efforts—for the exhibitions were profitable—while they had no say in the selection or arrangement of the works exhibited. Lord Cockburn's sympathy certainly lay with the artists. He said, speaking of the Institution, 'Its vice was a rooted jealousy of our living artists as a body, by the few who led the Institution. These persons were fond of art, but fonder of power, and tried indirectly to kill all living art and its professors that ventured to flourish except under their sunshine.'

Meanwhile the Institution was growing in importance. In 1825 new galleries were prepared for it in Playfair's noble building¹ on the Mound, the building, that is, next to Princes Street, which continued to bear the name of the Royal Institution until last year it became the home of the R.S.A.

The origin of this building requires some explanation and a brief digression. It was not the work of the Institution, but of the Board of Manufactures, a public body to which the reader must now be introduced. This Board dated from 1727. It was its duty to administer for the behoof of Scots manufacturers a sum of £2000 a year, which was assigned to Scotland in perpetuity when it became a partner in the fiscal system of England at the time of the Union. The Board seems from the beginning to have restricted its efforts mainly, if not entirely, to the region of design. It began by offering premiums for designs, and in 1760 it started a School of Design of its own. This school had a marked influence in Scotland, especially during the headmastership of John Graham, who reigned nineteen years, from 1798 till 1817. It can fairly claim to have produced the group of artists by whom the R.S.A. was founded. It was the first School of Art in the United Kingdom run at the public expense. But it did not absorb the whole income of the Board. The rest was saved up. The Royal Institution building was paid for out of the savings.

It was designed to fulfil the following purposes: The eastern side contained the school and the office of the Board of Manufactures; the western side, the rooms of the Royal Society, for which it paid rent; the centre, the galleries of the Royal Institution, for which it paid a rent of £380. The Royal Institution

¹ The engraving of this building at page 240 is from the work of Mr. F. C. Inglis.

had at this time 133 ordinary members besides the artist associates. Several of these also occupied seats at the Board of Manufactures, which had no less than twenty-one members. There was thus a complete understanding between the two bodies. The quarrels which followed might have been avoided if there had been more effective appeal from one body to the other.

The last four of these exhibitions of modern painting were held in the new galleries. The first, held in 1826, was financially a conspicuous success. It was visited by some 18,000 people, whose shillings and season tickets brought in over £900. But already the artists were chafing against these arrangements, which, though made with the best intentions for their benefit, left them without any say in the exhibitions. The very year the new building was finished, twenty-four of them, including all the associates of the Royal Institution, had agreed to form themselves into an Academy with an exhibition of their own. The leading spirits were William Nicholson, the portrait painter and etcher, and Thomas Hamilton, the architect of the High School. It is impossible to doubt the wisdom of a movement led by these two men, though at the moment it must have presented to many the appearance of an ungrateful rivalry. It certainly had to contend with the hostility of those who were honestly trying to befriend the Scots artists. It was perhaps this disagreeable circumstance which led to the defection of several artists who had pledged themselves to the new movement. Nine of the twelve associates of the Royal Institution returned to their old allegiance. They were very unwisely rewarded by the Directors with commissions of £50 and upwards. This money burnt holes in their pockets, and in the end drove them back to the young Academy.

Meanwhile the young Academy took shape. George Watson was elected the first president, and remained in that post till his death in 1837. In a sporting mood it was decided to open the first exhibition simultaneously with that of the Institution in the new building on the Mound. Two large galleries at 24 Waterloo Place¹ were engaged for the purpose. This was February, 1827. In this first round the Institution seems to have had the best of it. The Academy Exhibition was hastily arranged and

¹ These galleries now probably form part of the North British Railway offices, 23 Waterloo Place. It is not possible to trace the former numbering of the street, but in 1853 the Burgh Assessment Roll shows that No. 24 was on the north side, last of the Regent Arch. The N.B.R. office contains rooms and a staircase corresponding to the description given in Sir G. Harvey's 'Notes.'

weak. In the second round, 1828, the Academy held its own. In the third, 1829, the Royal Institution was, as Sir George Harvey says, 'fairly driven from the field.' This year the Academy Exhibition contained, besides the works of its own members, pictures from the easels of John Linnell, John Martin and Francis Grant, then a young man of 26, as well as a large canvas by Etty—'the Judith and Holophernes'—which was afterwards purchased by the Academy and became a sort of guarantee of its permanence, as well as the colossal nest egg of its collection. There was also a vast Rubens lent by Lord Hopetoun. This proved too wide for the staircase, but by an ingenious contrivance of Mr. Hamilton's it was successfully swung into the building through the cupola. Sir George Harvey gives a graphic description of its perilous journey. The Etty was acquired by an arrangement which Sir George Harvey describes as most liberal on the artist's part. At the same time there was evidently a delicious rashness about the transaction on the Academy's side. The reader may wonder as he gazes with cold eyes at the huge canvas now hanging in the National Gallery whether the liberal arrangement did not entail a payment quite as large as the picture deserved. But *tempora mutantur*. This is not to doubt the wisdom of the purchase. It was abundantly justified by the instant result on the Academy's fortunes. Etty was then at the zenith of his fame. He was essentially an artist's artist. The purchase of this conspicuous work, with two wings to follow nearly as large as itself, made a great stir, and definitely established friendly relations between the new Academy and its elder sister in London.¹

It was during these three years of rivalry that the Academy and Institution both applied for a Royal Charter—an honour granted to the Institution, but denied, after two years' hesitation, to the Academy. In spite of this slight rebuff every one was impressed with the success and promise of the new movement, but none so much as the artists who still adhered to the Royal Institution. Too proud to remain longer under its yoke, and too proud to appeal for admission to the new Academy, they now announced their intention of forming an Academy of their own. Thanks, however, to the good sense and diplomacy of Henry Cockburn, they agreed with certain other artists, twenty-four in all, to petition the Academy for admission. The Academy,

¹Two other large works by Etty, making five in all, were afterwards purchased by the Academy, but not till 1832.

owing to the defection mentioned above, had at this time only fifteen members. It was thus invited to more than double—in fact, as it turned out, to even treble—its numbers, for the offer was to take all or none. In this dilemma the Academy sought advice from John Hope, Solicitor-General for Scotland, who was to be succeeded by Henry Cockburn in that office two years later. The decision was in the end left entirely to this pair of level-headed lawyers. They decided that the twenty-four applicants should all be admitted, bringing the number of the academicians for the moment up to thirty-nine. As a matter of fact the number was actually forty-three, as it was afterwards found advisable to include certain applicants for the rank of associates. But only one election was to be made for every three vacancies until the number was reduced to thirty. The document, dated 1829, in which their decision was given, is a masterpiece of commonsense. It contains some very shrewd advice designed to make the new arrangement work smoothly.

The Academy, now firmly established, continued its exhibitions, while those at the Royal Institution were dropped. In 1834 the lease of the Academy's rooms expired. The lapse of five years had so far healed the old disputes that application was made to the Royal Institution for the use of the Galleries on the Mound. Lord Cockburn was again the adviser, and again good sense prevailed. The Academy obtained a lease of the Institution rooms for three months in the year for a rent of one hundred guineas, an arrangement which lasted twenty years. In 1838 it obtained the coveted Royal Charter, which embodied and fixed its constitution and laws. A year earlier William Allan had succeeded George Watson as second President.

In 1844 a new dispute arose which called forth a series of articles from the pen of Sheriff Monro, already mentioned as one of the authorities on which the historian of the Academy has to rely. This dispute arose over a picture painted by the son of Sir Thomas Dick Lauder, Secretary to the Board of Manufactures. This body, the reader will recollect, had built and still owned the Galleries which the Academy now rented from the Royal Institution. The picture, originally well placed by the Hanging Committee, had, in response to a protest from sixteen members of the Academy, been transferred at the last moment to a worse place, but, unluckily, not before Sir Thomas had seen it in its first and better position. He complained of its removal in a letter which fills nearly two octavo pages of very small type. The Academy,

in a reply equally long-winded, maintained that Sir Thomas had no right to enter the rooms before the exhibition was opened. Sir Thomas, his grammar failing him in his wrath, retorted that he must most certainly visit the rooms since the Board of Trustees could not surrender the charge of the building to a 'series of individuals changed every year, and of whose habits and even names they are ignorant.' Besides the Royal Society and Society of Antiquaries never disputed his right of entrance, though they, far from being a 'series of individuals,' consisted of 'persons of the highest consideration.' And so on. It was a quarrel between two families trying to live in one house. The old-fashioned country gentlemen and judges, who composed the Board of Manufactures and Royal Institution, with their minds firmly fixed on the benefits they had bestowed on the artists, could see them now in no light except that of ungrateful rebels. The artists, on the other hand, dimly groping for freedom, kept their minds as firmly fixed on the income derived by the Royal Institution from the exhibition of their works, and regarded their eminent patrons as Israel regarded Pharaoh. But the Board had the whip hand and devised a plan for the punishment of its rebellious tenants. The rooms were offered to the Town Council for the Torrie Collection. The exhibition was to be permanent, which meant that the Academy must go.

It is a singular fact, characteristic perhaps of Scotland, that the Academy, at critical moments in its history, has always had to depend more on its financial and legal rights than on public interest or sympathy. The Academy had no weapon which could reach the Board of Trustees, but it could and did attack the same men under another name in the Royal Institution. The duel thus became triangular. The Institution was threatened with an action for having purchased pictures and books with money derived from the Academy exhibitions,—money which ought, under the agreement, to have been devoted to the benefit of artists and their families. At this juncture Lord Cockburn, who was the one man of his day to grasp the true mission and possibilities of the Academy, once more came to the rescue. A Government enquiry was ordered to be made into the affairs of the Royal Society, Academy, and Board of Trustees. The enquiry was conducted by Mr. John Shaw Lefevre, who made his report to the Treasury in 1847.

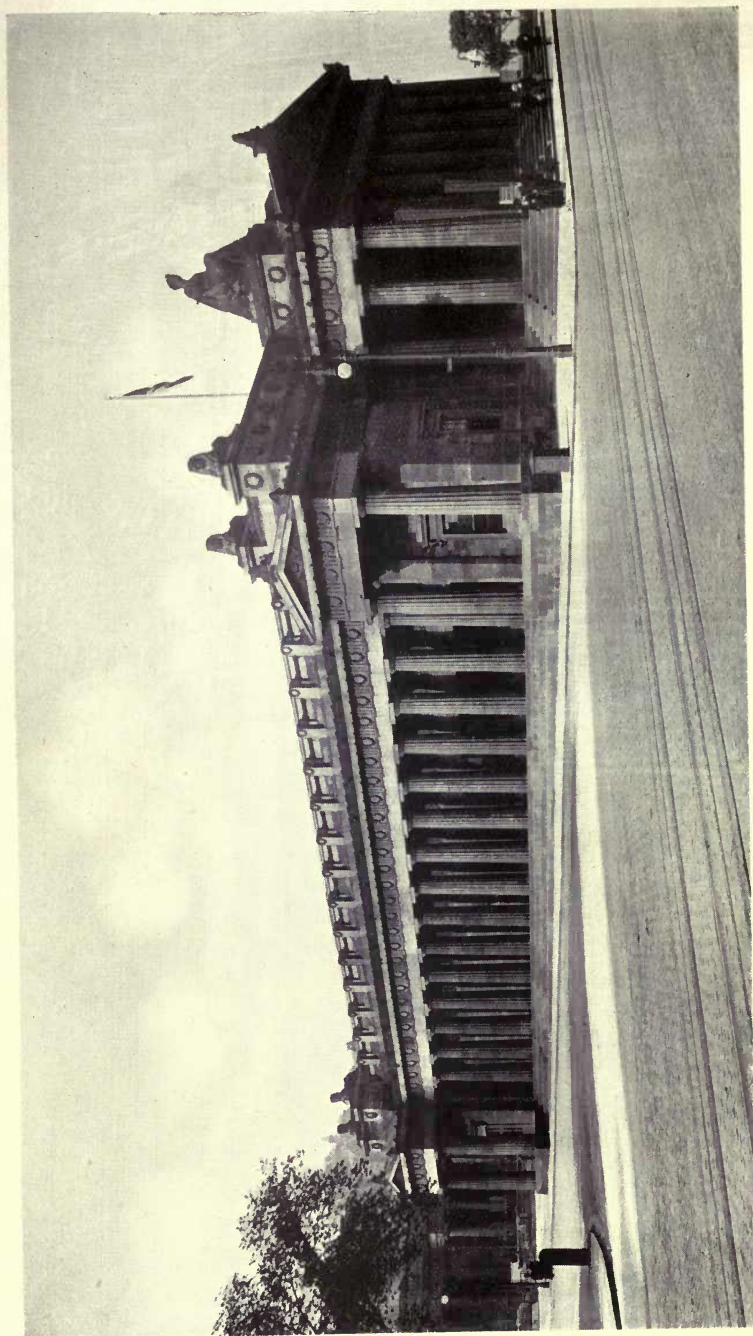
The arrangements he proposed were wise and generous, and marked by a commonsense which, up to now, no one except

Lord Cockburn and Mr. Hope had imported into this business. His suggestions were carried out after a few years' delay. A new building was constructed on the Mound behind that already in existence, and from the designs of the same architect. The Town Council gave the site for £1000 (its value being estimated at £30,000 or more) on the understanding that the Academy should have proper quarters in the new building. Parliament voted £30,000, and the Board of Trustees contributed £23,000 to the cost of its construction. This building, one of the most perfect of its kind in Europe,¹ contained two parallel sets of rooms, five in each set. The western rooms were devoted to a permanent exhibition designed to form a National Gallery, consisting of (1) the Collection belonging to the Academy, including the large canvases by Etty and other purchases and bequests, (2) the disputed pictures belonging to the Royal Institution, and (3) the Torrie Collection. All these, with many additions, are now included in the national collection. The five eastern rooms, together with the Council room and the Library at the end of the building, were appropriated for the exclusive use of the Academy, and a small room over the portico was later assigned to it as a Life School. Most of these arrangements were embodied in the Act of Parliament in 1850. The status of the Academy was unfortunately not defined in that Act, but it was clearly laid down in the Treasury Minutes under which the various parts of the building were allocated. The foundation stone was laid by the Prince Consort in 1850, and the building completed five years later. Sir William Allan had died in 1850, and Sir John Watson Gordon had succeeded him as President.

At last the Academy was firmly planted on its own legs. Petty and needless as its early difficulties now appear, they were probably inseparable from a new movement of this kind in the Scotland of that day. The chief interest for the reader now lies in the fact that the most formidable obstacles the Academy had to overcome were nearly all placed in its way by its best friends. It would be scarcely fair to describe it as a struggle of the poor artist to emancipate himself from the rich patron, but such in a sense it was. No one concerned seems at the time to have guessed, with the single exception of Lord Cockburn, how completely the vigour and success of the Academy were bound to depend on its freedom.

Now follow forty years little marked by change. The visible

¹ See *Report of Museum Commission in Europe*. Boston, U.S.A. 1905.



THE ROYAL SCOTTISH ACADEMY



success of an Academy depends upon genius, and the visits of genius are fitful. No Academy can hope for an even fame. But these forty years were years of steady growth, hard work and considerable achievement. The chair of President was occupied in turn by Sir George Harvey, 1864-76; Sir Daniel Macnee, 1876-82; Sir William Fettes Douglas, 1882-91; and Sir George Reid, 1891-1902. Among the other distinguished painters on the roll are Thomson of Duddingston, Thomas Duncan, Horatio M'Culloch, R. Scott Lauder, David Scott, William Dyce, Sam Bough, Alexander Fraser, J. C. Wintour, Sir J. Noel Paton, Erskine Nicol, G. P. Chalmers, Robert Herdman, W. M'Taggart: among sculptors, Patric Park, Sir John Steell, W. Brodie: among architects, Thomas Hamilton, William Playfair, and David Bryce.

By the close of the nineteenth century the provision made in 1850 had already become too small. The various Institutions overhauled at that time were still linked together under the Board of Trustees, which was landlord to all of them if nothing else. The Royal Institution was dead. No one knows when or how it died, but it was no longer alive. Thanks to the quiet and timely generosity of the late John Findlay, Scotland now had a National Portrait Gallery. The Museum of Antiquities, now transferred to the Nation, was housed in the same new building. The Treasury and the Board of Trustees had taken a modest part in helping to secure the site and provide the endowment. To some extent the pressure on the Mound buildings was thus relieved, but they were still quite inadequate for the purposes they had to serve. At this time the southern building still contained the National Gallery and the Academy, both pressed for space. The older or northern building, which still bore the name of the defunct Royal Institution, contained the Royal Society, the School of Art, and the Applied Art School, besides a musty Gallery of plaster casts, and the Office of the Board of Manufactures.

This Board has a good deal to answer for. The blame falls not on its members, but on its constitution. It is a striking proof that just as the best of constitutions will fail without good men, so the best of men cannot make up for a really rotten constitution. The Board had at this time twenty-four members, all distinguished and able men, of whom it may safely be said that any three of them, or any one for that matter, would have admirably transacted its business. It had also an attentive and conscientious Secretary, with two clerks to assist him. It was, in

fact, much too good, and quite unsuited to its purpose. The result was perfectly disastrous. It was like wrapping up a cream cheese in a fur coat. True, one or two members took a personal interest in details of the work. The pictures in the Galleries were consequently well hung so far as the insufficient space allowed, and the few purchases were wisely made. True, the School of Applied Art, under the direct supervision of Sir R. Rowand Anderson became a practical School of Architecture, and the main instrument in any advance there has been in building design in Scotland. But the responsibility shared by so many was felt by none, and apart from the points just mentioned the administration of the Board can only be described as thoroughly bad. The School of Art was moribund, and, though supported out of National funds, had long ceased to be national in any other sense. Promising students even from Edinburgh preferred to attend the newer and better equipped schools in Glasgow and Aberdeen. The Academy Life School was hopelessly cramped in the attic over the porch. The Royal Society complained that it was over-rented and underpaid. The Curators of the National Gallery and Portrait Gallery were allowed no liberty in making purchases: indeed purchases for the National Gallery were considered undesirable, because it was full. The funds of the Board were allowed to collect in order to meet repairs and contingencies. The Board always felt poor. It never discovered that it was spending its money on objects which, in Ireland and England, had long been met out of Parliamentary grants. The Board never thought of taking up the cudgels for any of the institutions under its charge, or obtaining for them the same grants which like institutions in England and Ireland were receiving. On the contrary, it made it its business to protect the Treasury from such applications, while it modestly devoted its small income to defraying expenses which would otherwise have fallen on the Exchequer.

These shortcomings were noticed by few—so much is the work of a public department taken for granted—but they did not escape the keen eye of Mr. W. D. M'Kay, now the respected secretary of the Academy, and he took steps, as in duty bound, to get things put straight. In 1902 the Board's administration was challenged in Parliament. For once the Scots members knew and got what they wanted. A committee was appointed, with Mr. Akers Douglas, now Lord Chilston, as chairman, to enquire into the whole subject. The Committee's report was published

in 1903, with the evidence, in case the curious reader cares to consult it. It reviewed the whole situation. Its recommendations, which were of a fairly obvious kind, have in most cases been carried out. In some respects they have been improved upon by the Scots Office and Parliament.

From these new arrangements, which may now be briefly described, the Academy has derived great advantage. For this it has largely to thank its President, Sir James Guthrie. This is no idle compliment. The writer happened to follow the negotiations sufficiently closely to know that the Academy would not have fared nearly so well as it did, but for the patient tenacity and sound judgment of the President. His diplomacy displays the same qualities that impart force to his portraits, a close knowledge of his subject, a determination to stick to essentials, and a natural dislike to over-statement. That kind of diplomacy never asks for too much, but gets what it wants. Moreover, Sir James carried his colleagues completely with him, so there was no weakness from divided counsels. The Academy is now installed in the northern or older building on the Mound, which has been altered to suit its purpose, and is henceforth to be maintained at the public expense. In return the Academy has made over to the nation its large and valuable collection of pictures and any claim it may have had on those formerly belonging to the Royal Institution. These are now merged in the National Gallery, which occupies the whole of the southern or newer building on the Mound. This building has been slightly altered in order to throw the two sets of Galleries into one. Inside, the building preserves in the main the scale and plan of Playfair's design. The outside has scarcely been touched. The outside of the northern building also remains practically unaltered, but inside it has had to undergo more drastic transformation, being as it stood, with its small rooms at different levels, quite unfit for its new purpose. The Academy Life School and the Applied Art School have been transferred to the new Edinburgh College of Art, where the members of the Academy still act as visitors in the Life School. The other moribund School of Art on the Mound has been closed. The Royal Society, with assistance from the public purse, has moved to new quarters. The Gallery of Casts has been dismantled, and those of its contents worth keeping have gone to the College of Art. Thus the whole of the northern building on the Mound has been rendered free for the use of the Academy.

There are only two things it is possible to regret in these

changes: one is the displacement of the Applied Art School which possessed an individuality, rare and much to be prized, which it can scarcely hope to preserve as part of a larger institution; the other is the alteration of the interior of Playfair's first beautiful building, a model of ingenuity, fitness, and proportion, but not suitable for its new purpose. The transformation has been well and carefully made by the Office of Works, and it would be difficult to imagine an Academy better placed or better housed. The cost of these changes was met partly from the accumulated funds of the old Board of Trustees and partly from the Treasury. A new Board of Trustees with seven members now administers what remains of the old Board's funds and duties. This Board still stands somewhat in the position of a landlord to the Academy. No rent is paid, but the building is vested in the Board, and the Academy has not an unlimited right of occupation. This arrangement, dear to the official mind because it multiplies correspondence and divides responsibility, does not seem very wise in view of past events. But since the rights of the Academy are clearly defined, and the President is a member of the Board of Trustees, there is little occasion to apprehend trouble.

What use is the Academy going to make of its new opportunities? What are the true uses of an Academy? What its true place in a country like Scotland? It will help us to answer these questions if we remember that the Academy is a two-sided thing, with public duties and domestic duties, which may, and often do, come into conflict. Let us consider the domestic side first. Seen from this point of view the Academy is the home and centre of painters, sculptors and architects. It has to watch over their interests, to take the lead in their affairs, to keep their work up to the mark. It has also, by its exhibitions, to put the public in touch with the best work of the day, and to bring new men and new ideas to the front when they deserve it. This the reader may think is to take a very wide view of the Academy's domestic circle, but it is the only logical view. The Academy holds a trust for every artist whose work deserves encouragement. Its obligations are by no means limited to its own members. Of course the academicians may, and happily do, have their own corporate existence and a pension fund consecrated to their own use. They have their library and offices and place of meeting. But apart from such ordinary adjuncts of their public duty, it cannot be too clearly pointed out that the Academy as an institution no more exists, or claims to exist, for the benefit of the

academicians, than the British Museum exists for the benefit of the Trustees. It belongs to the whole brotherhood of artists.

But the Academy has another duty, and a higher. It has not only to take care of the artists. It has to take care of the arts. How is that to be done? Well for one thing the Academy must constantly take our bearings for us. It must see how we stand compared with other countries, and when we lag behind find means to show us what other countries are doing. Then it must in a measure hold the balance between the movements of the day, since art most often advances by a series of revolts, and must decide which are to be encouraged. Others may forget, but it must always remember how the present trembles between the past and the future. It must discard what is antiquated. It must prize what is scholarly. It must remember how the labour and thought of generations may go to the making of one fine design. Yet it must discourage lazy repetitions, whether of a man's own work or of other people's. Its eyes must be open to new ideas and new materials. And common-sense must not be left out of account. Too many people think that common-sense ends where art begins. They forget that every great work of art, whether it be a Greek coin or a thirteenth century cathedral or a portrait like the 'Man with Gloves,' is built on a solid foundation of common-sense. The question 'why' is one which an Academy cannot ask too often. It is as pertinent to a work of art as to an Act of Parliament. Fitness can and must always be measured. Noble designs should be devoted to noble uses. Difficult though it is to discriminate between what is great and what is merely skilful, the attempt must be made. The limitations of materials can be recognised and obeyed. An Academy must see to this. Water colour must be water colour; oil, oil; marble, marble; and bronze, bronze. None of these are questions of taste. This kind of control by an Academy means business-like adherence to an ideal and a plan. It is work for scholarly, level-headed men. There is nothing mysterious or fanciful about it.

It is doubtful whether the influence of an Academy can reach much further than this, but there are other things for which it will always be waiting. Beauty of form and colour and imagination will appear only when genius breathes on the work. The Academy must keep a sharp look-out for the visits of genius. It must avoid the extravagance of the modern critic who finds so little to admire in the fine craftsmanship of Alma Tadema and so much in the nasty lipings of the Post Impressionist. But

it must be sure to welcome genius whether it comes visibly concentrated in some gifted individual or thinly diffused, as is often its strange way, over a rebellious group or a movement. Academies are not always quick at descrying genius. If any reader doubts this let him call to mind the work collected at the Tate Gallery last summer—the work of Stevens, Whistler and Legros, three men of striking influence, but never made welcome at Burlington House. It may be doubted at first sight whether men chosen for their artistic achievements are necessarily fitted for the discharge of these wide duties of criticism. The writer has no such misgivings, believing that any work of art deserving the name is a guarantee of strong character and discernment in its maker, quite apart from imagination and technical skill.

Now it is pleasant to record that the R.S.A. shows every sign of its intention to work up to the ideals sketched above. For the discharge of duties so varied, and, in some ways, so contradictory, the first need is clearly an elastic mind. This has not always been a strong point in academies. Usually their constitution seems expressly designed to preclude that quality, especially when the members are of two grades and the administration centres in the elder. Men are rarely elected associates till they are forty—it would perhaps be rash to elect them younger—and ten years more usually elapse before they become full academicians. This means government by the old and crusted. The R.S.A. under Sir James Guthrie and his distinguished predecessor, Sir George Reid, has faced and in a great measure overcome this defect by a wise modification of its constitution. Academicians and associates who are, from ill health or any other reason, unable to fulfil their duties, can now place themselves, or be placed, on the retired list, and their seats filled.¹ The number of associates is no longer limited to twenty. The Council which conducts the ordinary business of the Academy still consists exclusively of academicians, who serve on it in turn, but those newly elected are placed at the top of the roaster, and the new blood thus passes direct into the Council. The Committee of Arrangements, commonly called the Hanging Committee, has three associates among its seven members. The number of works to be sent in for exhibition is limited to three for members and non-members alike. Associates are equally eligible with academicians as visitors to the Life School. The younger members thus take a fair share in the leading departments of work. The Royal Academy in London might do

¹ Supplementary Charter of 1895.

worse than follow this example. The arrangement is found to work well, and no wonder. Who doubts that in some matters age must bow to youth, as in others, youth to age? A constitution which forces youth and age into antagonism must be radically wrong.

Allusion was made above to the need of gauging one nation's work by that of its neighbours. This need is particularly felt in a small country like Scotland, which can scarcely expect to excel in all the arts at one time, and which has small means of attracting the work of other countries. To meet this need the President has raised a sum of over £10,000 among the friends of the R.S.A., the interest of which is handed every year to the Hanging Committee to be spent on bringing exhibits from foreign countries. The increased space in the new building afforded a good opportunity for this new departure. It was not lost. Seizing on sculpture as a weak point in Scots art, the first exhibition held last year was marked by an admirable selection of French contemporary sculpture. This year's exhibition again contains some sculpture from France and Belgium, as well as a large number of paintings and architectural drawings from those countries, a few from Germany, Sweden and Italy, and some good work from England. Altogether, the work of thirty-seven foreign artists, not counting the Englishmen, is represented. These exhibits were not taken at random, but carefully chosen by a travelling committee.

It may be urged that these strangers take up space which would otherwise be devoted to the work of Scots artists. This is another way of saying that it raises the standard of admission. The same charge might be brought against the method of spacing, which is such as to show each picture or object to full advantage. This again raises the standard. But the standard is not too high. It is higher than that of the Royal Academy in London, which, perhaps wisely, confines its exhibition almost entirely to the work of British artists, but which, most unwisely, crowds every inch of its walls, and so causes an exhibition, which is perhaps really the most interesting in Europe, to appear one of the poorest. The standard is higher, so far as painting is concerned, than that of the Paris Salon, and well it may be. Should it tend to become too high, and good work be shut out, this would, in the judgment of the writer, be a good reason for extending the Galleries, but not for overcrowding them, or for excluding foreign exhibits—assuming always that these are carefully selected and individually worth having.

The R.S.A. is much to be congratulated on these two first exhibitions in its new home. The foreign work, of which so much has been said, occupied after all only a fraction of the space. Contemporary Scots painting filled the bulk of the rooms. It was here seen at its best, and at its best it is now as good as any in the world. The Exhibition is as large as any mind can comfortably comprehend, and yet not large enough to weary the visitor. In a word, the scale appears ideal for the purpose. The rubbish which tires and confuses the visitor to Burlington House or the Grand Palais being happily absent, the Academy escapes the ugly responsibility which falls on these exhibitions of encouraging men and women to devote themselves to an occupation for which they are not fit.

This sketch would not be complete without some allusion to the funds administered by the Academy. The Exhibition fund has already been described. There is also a small and variable income from the entrance fees of new members, being £15 for associates and another £10 when they become academicians. There is a Pension fund derived from the proceeds of the exhibitions under an obligation laid on the Academy by its first charter. Formerly all academicians and associates had a claim on this fund if they cared to make it; now non-resident members, that is, those who have lived three years out of Scotland, lose their claim, though it can be restored if they return within ten years and there is a vacancy.¹ The number of associates being now no longer limited to twenty, they are not all eligible for pensions, but as vacancies occur they are added to the pensionable list in order of election. A Committee of the Academy also administers the Alexander Nasmyth fund, in which any Scots artist is eligible to participate.

The relative numbers of painters, sculptors, architects and engravers, who form the Academy, is not fixed by Charter.² Painters always have predominated and probably always will predominate, because their work best lends itself to the Exhibition, which forms so conspicuous a part of the Academy's business. In the writer's judgment a more equal distribution between the three principal arts would be of advantage, and would greatly strengthen the Academy's position as a controlling factor in the art of the country.

¹ Supplementary Charter of 1891.

² In the first Charter the number of engravers was limited, but under a supplementary Charter of 1895 even this was left open.

The future, so far as painting is concerned, seems bright. A Scots school, distinct from every other, is scarcely a thing to aim at, nor does such a thing seem possible in these days when men and pictures travel so much and so fast. But we have at this moment more than our share of the world's distinguished painters, and truth and thoughts likely to live seem to underlie the charm and skill of their best work, while our country, climate, traditions and national turn of mind give it a flavour and coherence of its own. There is, of course, the inevitable drain to London. We have seen that the Academy has wisely done what it can to discourage it. But does it really matter so very much? The artist born and trained in Scotland does not readily lose touch with his country, nor can he readily throw off what he takes with him. Wherever he lives he usually remains, and is reckoned a Scots artist to the end of his days.

The trouble is rather that we have too many painters. At present sculpture and architecture and the applied arts really stand in need of more care than painting. In spite of a few notably good living architects, and a tradition of good and solid construction which we owe to the national character and national climate, the general level of architectural design in Scotland is decidedly low, and the standard of applied art is even lower. Happily our leading architects are of the true brand,—men whose influence extends, like that of every great man in that profession, far beyond the mere shell of a building, and includes a wide region of design into which they call sculptor, craftsman and painter to help them. Happily applied art already employs a few good artists, though not nearly enough. Thus everything seems ready for a transfer of artistic energy from the overstocked profession of picture-making to architecture and the applied arts, and it would appear to be the duty of the Academy to employ its great influence in the encouragement of that transfer.

JOHN STIRLING MAXWELL.

The Influence of the Convention of the Royal Burghs of Scotland on the Economic Development of Scotland before 1707

THE seventeenth century is a time of great change and development in the economic history of Scotland. At the beginning of the century her trade and industry were practically the same in organization and in scope as they had been for the two preceding centuries—the break with the middle ages was only beginning. At the end new industries were being promoted and old ones developed by individuals and by companies; the great Darien failure was the collapse of a modern scheme, and the Scottish merchants had begun that trade with America which was to lead their successors to fortune. Scotland, by the time of the union, had entered on the paths which were to lead her by modern methods to commercial and industrial success, although her progress was for some time still to be slow and halting.

This great change was the result of the work of several factors. These were the enterprise of the people and their growing interest in economic affairs, the increase of capital, the influence of new ideas from England and other countries, and the regulations and encouragement of four agents, the crown, the privy council, the parliament and the convention of the burghs. It is of the influence on the economic development of Scotland of the last of these factors—the convention of the burghs—that this article treats.

The burghs of Scotland have been more alike in their organization and development than those of England. Almost all the more important held directly of the crown; parliament legislated for them as a whole; and they had their own burghal parliament—the convention—to regulate their affairs and guard their interests. This assembly apparently developed in the sixteenth century from the Court of the Four Burghs, a judicial court presided over by the chamberlain. Towards the end of the fifteenth century its functions were enlarged, for, in 1487, parliament enacted that

commissioners of all the burghs should meet yearly at Inverkeithing to treat of the 'welefare of merchandis the gude Rewle and statutis for the commoun profit of borrowis and to provide for Remede apoun the scaith and Inuirs sustenit within burrowis.'¹ Trade was developing and industry increasing. The inhabitants of the royal burghs were the people who were chiefly concerned in these matters, and their shadowy legal court of the fourteenth and fifteenth centuries became, in the sixteenth, the substantial and prosperous convention with solid commercial and industrial interests. Statutes in 1578 and 1581 ratified and enlarged the act of 1487, and by the end of the sixteenth century the constitution of the convention was established as it was to remain, with few and unimportant changes, for the next two centuries and more.

There was as a rule one general convention in the year to which all royal burghs were bidden to send commissioners. But there were also particular conventions, often two or three in the year. In 1626, Edinburgh was authorized, if matters of importance occurred, to summon the next adjacent burghs and others most concerned, not fewer than ten or more than twelve 'that course may be taiken with a mutuall and vniforme consent of the best expedient in all thinges.'² Matters were often referred to these meetings by the larger body and questions which required to be put before the privy council or parliament, or on which the council asked for advice, were entrusted to their charge.

The conventions were held in different towns, and the provost of the burgh chosen presided at their meetings. The chamberlain ceased to attend early in the sixteenth century, so the convention was a democratic assembly in so far as no king's officer or noble was present, nor did the burghs as a rule meet with any interference in the management of their affairs. But while the convention was democratic in that it was a parliament of the commons, its members were the aristocracy of their order. In 1574 it was ordained that no commission should be given except to 'merchantis and trafficquaris, haifand thair remanyng and dwelling within burgh, and beris bourdene with the nychtbouris and inhabitantis thair of,'³ and this qualification was insisted upon to the exclusion of the craftsmen.

The limitations of the convention are obvious to the modern eye. It was an assembly of the representatives of the royal burghs

¹ *Acts of the Parliament of Scotland*, ii. 179.

² *Records of the Convention of the Royal Burghs of Scotland*, iii. 219.

³ *Convention Records*, i. 25.

as distinct from the burghs of regality and barony; and it was concerned not only in the development of the interests of its members, but also in the maintenance of their privileges, of which the monopoly of foreign trade was the most important, against encroachments of unfree burghs and unfree persons. Then, too, as its members were merchants, their interests were more regarded than those of the craftsmen. The convention made regulations and enforced restrictions in economic matters which are now left to the control of the individual producer. In the Dutch trade it forced the merchants to trade with the staple goods only at the staple port, and made many regulations for their conduct there.

But from the standpoint of the sixteenth century the convention occupies a different position. It represented only the royal burghs, it is true, but they were the most important and thriving sections of the community. A body composed of their members was a national authority, and its regulation of trade and supervision of industry made for uniformity and the predominance of national over local interests. Also all merchants of royal burghs were allowed to trade, and the only restriction as to places was in the Dutch trade; in other trades any merchant could go where he wished. Therefore the restrictions on the merchants in Scotland were fewer than those imposed by the great trading companies in England. As Archdeacon Cunningham says: 'The combined trading in regulated companies, which was such a characteristic feature of English commerce, had never become an established Scots practice; Scotland moved from medieval to modern trade organization without passing through this transitional form.'¹

The convention was not only concerned with economic affairs. It regulated the relation of the burghs to each other, had much to do with their internal affairs, their municipal constitutions and the maintenance of their public works, and was also interested in some miscellaneous business, such as the choice of a Latin grammar to be used in schools, and the reform of women's 'heid attyre.'

Its attitude towards economic affairs and its relative importance as compared with the council and parliament, change in the three periods into which this epoch naturally falls—the reigns of the earlier Stewarts, the interregnum, and the years between the restoration and the union. It is in the first of these three that its influence was greatest, for it was then most in touch with the

¹ Archdeacon Cunningham's preface to *Commercial Relations of England and Scotland, 1603-1707*, T. Keith, p. xi.

economic life of the people. James VI. and Charles I. took great interest in and did much to promote the economic interests of their ancient kingdom. They acted through the privy council, and parliament, where the burghs were represented, had little influence during this period. Therefore the convention, as representing the commercial and industrial part of the community, was important, and it was consulted on every economic question which came before the council; while it exerted its powers independently to secure uniformity, maintain quality, regulate trade and negotiate for commercial privileges, and to some extent to develop industry. It seems impossible to draw a line between the powers of the convention, the council, and the parliament in regulating and developing trade and industry beyond the very general one that the burghs did not as a rule pass acts restricting or allowing export or import of commodities from abroad. The convention was seldom interfered with, but in 1598 it was forced to rescind an act which it had passed declaring that all burghs were to punish their citizens who, in defiance of acts of parliament and of the burghs, 'for thair particular gain, without respect of the lawis of the realm, dewtie to thair native cuntrey, and of thair awin consciences,'¹ purchased licenses for transporting wool. But the Lords Auditors of the Exchequer had licensed the export of wool, and so on complaint to the council this 'pretendit' act of the burghs was not allowed.² In the matter of the appointment of the Conservator in Holland both burghs and king claimed the nomination, so there were frequent disagreements between them, generally ending in a compromise.³

In industry the convention had considerable powers in making regulations about weights and measures. These powers dated from an early period, for James II. in 1454 gave the Court of the Four Burghs authority to give weights and measures to the lieges.⁴ The convention also prescribed the size and shape of barrels for fish, the method of salting and packing fish, and the length and quality of cloth. The burghs were anxious to encourage manufactures, if the profit was reaped by their own members, but the variety of their interests and the difficulty of raising capital made it difficult for them to take any initiative; and their anxiety that all their members should obviously profit and profit alike made them oppose

¹ *Convention Records*, ii. 26-27.

² *Register of the Scottish Privy Council*, First Series, v. 477.

³ See *Scottish Staple at Veere*, Davidson and Gray, pp. 167-210.

⁴ *Convention Records*, i. 542-3.

individual efforts which generally took the form of a monopoly. The convention was more able to enforce its regulations than the parliament or the council, for it had its agent and its own machinery for reaching and fining delinquent magistrates who did not put the laws into execution as they were required, and at every convention the commissioners of the burghs could be reminded of their magistrates' duties. The dealings of the commissioners on the subject of the export of 'burnecoill' give an example of their methods. As this was transported against acts of parliament to the great hurt of the lieges, the coal 'decayand and growand skant daylie' and the 'cuntrey apperand to be destitute of fewall in schort spaice,' provosts and baillies were ordered in 1594 to put acts of parliament against this export into execution within their bounds under pain of an unlaw of £20, and each commissioner was instructed to report the diligence of his burgh at the next convention.¹ The next year the act was ratified and ordained to be put to further execution, and every burgh was to report their diligence under pain of £100.² This Dysart and Culross failed to do, so in 1596 they were fined £100, to be paid to the agent of the burghs,³ and again in 1599 Dysart was reprimanded,⁴ and in 1600 was required to raise letters against their neighbours who transported coal.⁵

As has been said, one very useful function of the convention was its attempt to secure uniformity. In one of the earliest conventions of which we have a full record, the commissioners decreed that all burghs must receive and use the stone weight of Lanark, the pint stoup of Stirling, the firloft of Linlithgow, and the ell of Edinburgh.⁶ In 1592 those who had not satisfied the act were ordered to produce an attestation from the clerk of Linlithgow that they had received their just measures;⁷ and in 1599 each burgh was ordered to 'controll ane other heirvpoun.' Linlithgow was told to make a reasonable price in 1612, as there had been many complaints of the exorbitant prices they asked,⁸ and in 1618 the prices of all the measures were fixed by the convention.⁹ At almost every convention in the late sixteenth and early seventeenth centuries this matter received attention, and parliament several times re-enacted earlier legislation on the same subject. In the interests of national uniformity also it was decreed in 1552 that because of the 'grete myrmour risin vpoun the hale borrowis of this realme in rasing of nouationis and exactionis of thair pitte-

¹ *Convention Records*, i. 445-6. ² *Ibid.* i. 464.

⁴ *Ibid.* ii. 45.

⁵ *Ibid.* ii. 77.

⁷ *Ibid.* i. 437-8.

⁸ *Ibid.* ii. 353.

³ *Ibid.* i. 477-8.

⁶ *Ibid.* i. 2 (1552).

⁹ *Ibid.* iii. 71.

customs of the burch, and for stanching thair of,' every burgh should use the table of the petty customs of Edinburgh.¹

The burghs also endeavoured to secure that the barrels for salmon, herring, and white fish should be the same size throughout the country, the salmon barrel to contain twelve gallons and the others ten, and these regulations were many times re-enacted. All these provisions were made in order to enable trade at home and abroad to be carried on more easily, and with the same object many regulations were made for the maintenance of the quality of goods, to avoid the 'evill brute and sclander rasitt on the haill merchantis of this realme in France, Flanderis, and vtheris partis bezond the see,' as was said in regulations about the export of skins.² As fish was a very important export, much attention was paid to its curing and packing. In 1580, for eschewing the 'greit inconveniencis and intolerabill skaith' that 'has happynit to the merchandis and traffecquaris of this realme, of the new inventit craft and faset committit and done dailie be the cowparis, pakkaris of salmound, throuche pakking of roustie and insufficient salmound fische, quhairthrowch thair is greit hurt and dampnage nocht onlie sustenit be the byeris thair of but alsua be the selleris of the samyn, and no less sclander sustenit be the haill nation through defalt of the said salmon pakkeris,'³ regulations were made that all packers should be sworn to use their office 'lelelie and trewlie,' and to set caution and surety in the town's books to pack only good and sufficient fish, to burn and mark each barrel after packing with their own mark, and then to have it burnt with the town's mark. If they failed they were to pay £10 for the damage which the merchant sustained and £10 penalty to the town, and to be for ever discharged from packing. In 1609 gaugers were appointed in all burghs to see that the regulations were carried out and that all barrels were of the measure of Edinburgh.⁴ This apparently was not satisfactory, for in 1616 it was ordained that Edinburgh should make another form of barrel and send it to all the burghs.⁵ The privy council was asked to 'interpone thair authoritie thairto,' and they therefore passed an act confirming that of the convention.⁶ The care of the fishing industry occupied much of the time of the convention, and it would be wearisome to trace the exact regulations for size of barrels, manner of packing herring, provision of salt, etc., which

¹ *Ibid.* i. 2, 11-12.

² *Ibid.* i. 21 (1570).

³ *Ibid.* i. 100-1.

⁴ *Ibid.* ii. 284-5.

⁵ *Ibid.* iii. 32-3.

⁶ *Privy Council Register*, First Series, x. 578-9.

were laid down for the coopers, packers, and slayers of salmon, herring, and white fish, all to remedy abuses committed to the 'gritt detriment of the merchand tredders thairin and infamie of the natioun abroad in forraine parts.'

Cloth was another important export, and in 1622 the council, becoming anxious about its quality, appealed to the burghs for advice.¹ The commissioners considered that the Galloway 'cair-sayis' had always been insufficient and unloyal merchandise, and they could not devise any means for reforming the trade. But plaiding should be sealed before being presented at market, and visitors and sealers should be appointed by the burghs nearest to the markets to examine the goods.² But in 1628 further complaints were made of the 'grit falsett that hes croppin in of late among the workers of the said plaiding,' and also of the length of the reel of yarn.³ The remedy was said to be that the plaiding should be sold in folds, not in rolls, as then it could be properly examined, and the burghs presented a petition to parliament in 1634 about selling the plaiding in hard rolls.⁴ This was referred to the council, there was much discussion, the council being afraid of the damage from the weather if it was presented in folds, but an ordinance enforcing the burghs' wishes was finally made in 1635.⁵

The convention did more for the regulation of old manufactures than for the promotion of new. The king and council were much interested in and anxious for the development of industry, and frequently tried to stir up the burghs to a like enthusiasm. At the end of the sixteenth century great efforts were made to improve the cloth manufacture, which, owing to the 'unskilfulness of our awin people' and their 'unwillingness to suffer ony strangeris to cum amangis thame,' was not sufficiently followed in the country. The burghs promised to bring in twenty of the hundred families for whom liberty of settlement was given by the council,⁶ and sent to Norwich, the Low Countries, and France to search for workers.⁷ Those whom they brought in 1601 were, however, 'separatit and hardle enterteynzit,' the matter was not so 'cairfulle and dewtiefulle haldin hand to as we hoipit for,' and the burghs were requested to 'se this mater of the claith put to ane point.'⁸

¹ *Privy Council Register*, First Series, xii. 639-40.

² *Convention Records*, iii. 136-7.

³ *Ibid.* iii. 272.

⁴ *Acts, Scotland*, v. 49.

⁵ *Privy Council Register*, Second Series, v. 526-7.

⁶ *Ibid.* First Series, vi. 123-4.

⁷ *Convention Records*, ii. 107-9.

⁸ *Ibid.* ii. 123.

This they did not apparently succeed in doing, for in 1605 a convention of estates declared that the 'airt of clotherie' should be introduced, and made the first offer to the burghs,¹ who answered that they had already sustained great losses in this enterprise 'throw thair awin inhabillitte and iniquitte of straingeris,' that there were more workers in the country than in the burghs, and that they could not accept the burden on themselves.² And in 1616, when they were again urged to undertake the cloth manufacture,³ their answer was that 'to undertak ony burdyne in that mater . . . the Conventioun panelie and flatlie refuisit.'⁴ The burghs in 1632 resolved to 'erect companies for the better manadgement of trade and for advanceing of the native commodities,'⁵ but there is no record of their having done so, and they do not seem to have had anything to do with the three factories started, after the passing of the acts of 1641 and 1645, at Bonnington, Ayr, and Newmills for producing cloth.⁶

The burghs were not more enthusiastic in their attitude towards royal endeavours to promote fishing. The Dutch had long drawn prosperity from Scottish waters, and Charles, anxious to drive them out and rival them, made plans for forming a company to fish in the waters round Britain. But before this scheme was brought forward, the burghs had had to defend their privileges in the isles, which were threatened by the proposed erection of Stornoway into a free burgh to be planted by the Earl of Seaforth with Hollanders who were to prosecute the fishing there. It was said the Dutch were afraid of the results of the continual complaints made against them, by the burghs and others, of their presuming on the rights which had been granted to them, and that they had therefore made an arrangement with the Earl that they might settle there under his protection.⁷ The king ordered the burghs to be consulted,⁸ but several Dutch families settled in Stornoway before the patent to Seaforth was passed. The burghs complained that the Hollanders were engrossing all the fishing and, 'least it micht appeare that they insist vpon the redres of thir euilles mor vpon ane naikit fear although grundit vpon iust reassounes rather then vpon ane

¹ *Privy Council Register*, First Series, vii. 56. ² *Convention Records*, ii. 202-3.

³ *Privy Council Register*, First Series, x. 506-7.

⁴ *Ibid.* x. 572.

⁵ *Convention Records*, iv. 539.

⁶ W. R. Scott, *Joint Stock Companies to 1720*, iii. 125.

⁷ *S.P. Dom. : Charles I.*, clii. 63.

⁸ *Privy Council Register*, Second Series, ii. 336-7.

desyre of resolution to improve that so rich a commoditie,¹ they decided to discuss settling a town themselves in the islands and asking the king to devolve the fishing into their hands, and therefore offered to plant and people Stornoway.²

The king in the end cancelled Seaforth's patent. The burghs then continued to discuss their own proposal to take up the fishing, and ordained the commissioners to see how many of 'thair nitchbouris will adventure vpon the said plantatioun and fisching, and quhat soumes of money they will imploy thair-vpone.'³ Although they were then summoned to a meeting to discuss the larger project of the fishing company of Great Britain,⁴ which they reported to be 'verie inconvenient to the estait,' they still continued to talk over their own undertaking, wondering whether they should admit nobles and gentlemen, if not, whether they should undertake it 'as they vse it presentlie be burgessis at thair pleasoure, or in ane cumpanie,'⁵ and if in a company if all other burgesses should be debarred, a delicate point in such an assembly as the convention. In spite of their opposition, however, the larger association was formed,⁶ and the burghs' representations only succeeded in having the fishing of the Firths of Forth and Clyde reserved for them.⁷

The opposition of the burghs to Seaforth and the Flemings is an instance of the efforts of the convention to protect the privileges and rights of the burghs, which was one of its principal functions. The same attitude is shown in their action towards monopolies; they exerted themselves to maintain their own great monopoly, and at the same time to put down all smaller ones which might injure them either as a body or as individual burghs, by raising the prices of commodities or by limiting an undertaking from which all might have profited. Joseph Marjoribanks and others, burgesses of Edinburgh, entered into a society for making red herring by a new method, and they had a controversy with one Campbell, who was neither a merchant nor a trafficker, but had purchased a similar gift. The council referred the matter to the burghs, 'who are maist able to provide and foirsie how the same work may be maist convenientlie and commodiouslie prosecute and followit out.'⁸ The commissioners declared the gifts

¹ *Convention Records*, iii. 291-4.

² *Privy Council Register*, Second Series, iii. 479-80.

³ *Convention Records*, iii. 318-9.

⁴ *Acts, Scotland*, v. 225.

⁵ *Convention Records*, iii. 321-2.

⁶ W. R. Scott, *op. cit.* ii. 361-8.

⁷ *Privy Council Register*, Second Series, iv. 555.

⁸ *Ibid.* First Series, x. 436-9.

to be a monopoly and hurtful and prejudicial to their liberties, and Marjoribanks agreed to renounce his patent in favour of the burghs.¹ Again, in the case of David Nairn, who got a letter from the king authorizing the grant of a patent for surveying and stamping barrels for fish,² the council delayed all meddling till the burghs were heard, and as they were opposed to such an encroachment on their functions, the patent was not granted.³ They had also a lengthy controversy with Robert Buchan, who secured a patent for fishing for pearls, and was one of the particular persons who impaired their liberties by making specious overtures with nothing in view but his own advantage.⁴

As the council consulted the convention about the cloth manufacture and other industrial matters, so they asked their opinion on questions relating to commerce. In 1612 some of the commissioners were invited to deliberate on changes in the book of rates;⁵ and a few years later they were invited to confer on a more important matter relating to shipping. James VI., anxious for 'a full conformitie of seafairing in all his Majesteis dominionis,' wished to forbid in Scotland as he had done in England⁶ the use of strangers bottoms. Some skippers were asked to meet the commissioners of the burghs, as representing the merchants.⁷ The latter were opposed to any restraint, although they professed themselves 'most willing to prefer thair awin contriemen and schipping to any strangeris in the world, yea, ewin with evident and seine loss of thair awin accordis.' They objected that other kings would make a like restraint and many Scots ships which were freighted in France would lose their employment. Dutch ships were used for exporting herring from Scotland at cheap rates;⁸ and also wainscot, pitch, tar, timber were imported from the east countries by strangers for much lower freights than they could be by natives. In the end, though contrary to the wishes of the skippers, the restraint was made for all but the eastern and Norway trades, which the burghs insisted should be left free.⁹

¹ *Convention Records*, iii. 26-7.

² *Privy Council Register*, First Series, xiii. 843.

³ *Convention Records*, iii. 161, 196.

⁴ *Privy Council Register*, Second Series, iv. 669 (1631).

⁵ *Ibid.* First Series, iv. 741-2.

⁶ W. Cunningham, *Growth of English Industry and Commerce*, ii. 210, note 6.

⁷ *Privy Council Register*, First Series, xi. 571-2.

⁸ *Letters and State Papers of the Reign of James VI.*, 243-5.

⁹ *Privy Council Register*, First Series, xii. 107-8; *Convention Records*, iii. 87-8.

In all questions relating to commerce on which the burghs were consulted, and few commercial regulations were made without their opinion being taken, their policy was to secure primarily cheap commodities for the consumer and manufacturer and, secondarily, free trade for the merchant. To the commission for hearing grievances set up in 1623¹ they complained of the monopolies and restraints of import of foreign wares; of the transport of great coal, which made coal rise in price; of the imposition on foreign victual, and prohibition of the export of victual, because the import made food cheap and the trade encouraged shipping.² The nobles and gentry were on the other side, and the matters were 'verie contentiouslie disputed betwix' them, as was the question of the export of wool, which the burghs declared raised prices and threw people out of work.³ All these questions were again discussed at length in 1626, the transport of wool, sheep, cattle, and coal being the 'speciall poyntis the Burrowis stodee at.'

In the actual carrying on of foreign trade the burghs were more concerned with regulating the trade with Holland than with any other country. They shared with the king and council in nominating the conservator and the minister, and in fixing on the town for the staple port; while much of the time of the convention was spent in appointing factors, settling disputes, and regulating the consergerie house. In the French trade their efforts were chiefly directed to maintaining the privileges which the Scots had enjoyed there and were beginning to lose, partly as a consequence of the change of religion and the English union. They sent representatives, 'honest and substantious' burgesses, in 1582, 1587, 1595, 1601, and 1612⁴ for the 'doungetting' of customs and imposts and renewing the old privileges. In 1605, as the matter properly concerned them, they were asked to choose two persons to go to France with two Englishmen to find out about the respective advantages of English and Scottish merchants there, with a view to commercial union.⁵

The commissioners of the burghs who were sent to treat for union with England were in favour of free trade,⁶ and when it

¹ *Privy Council Register*, First Series, xiii. 219-23.

² *Ibid.* xiv. 731-6; *Convention Records*, iii. 147-50.

³ *Privy Council Register*, Second Series, i. 75-6.

⁴ *Convention Records*, i. 127, 270, 457; ii. 39, 104-5, 336-8.

⁵ *Privy Council Register*, First Series, vii. 113, 472-3.

⁶ *Convention Records*, ii. 182, 189-91.

seemed unattainable by treaty they despatched Andrew Forret, burghess of St. Andrews, to court, where he obtained letters patent from the king giving certain privileges to Scotsmen and Scottish ships.¹ Trade with England apparently increased, and the burghs found it necessary to appoint an agent in London in 1612, as their merchants there were 'wondefullie abuset.'² James had already urged them to do so in 1599,³ but they then thought it would only be 'hurtfull and chargeabill' to them. They also appointed agents in Spain⁴ and in Lisbon.⁵ The trade to the Baltic, though important, seemed to require little regulation. A proposal was made to establish a society by Scots merchants trading to the east countries, but the convention, when the council referred the matter to them, were not in favour of further limitation. They declared it would 'rather tend to the preiudice of the saids trafficquers than to anye advantage.'⁶

The convention was not an adventurous body, and its imagination was not fired by the glory and profit to be found in the west. The Nova Scotia project received no encouragement, nor even notice, from this assembly of merchants: their horizon did not extend beyond the Straits of Gibraltar and the North Cape. After all it is not to be expected that a corporation should see further than its members, and John Burnet was for some time 'the sole Merchant of our Kingdom of Scotland, that hath supplied the plantacon of that our colony of Virginia,' or had traded with America. Adventure comes before trade, and the younger sons of Scotland gave their lives in continental wars instead of making a way for their brother merchants in the west.

But on the whole, in economic matters, the convention played a very useful part under James VI. and his son. It tried to secure national regulation rather than local, the good of the whole estate of burghs rather than that of individual members. It made and enforced regulations for the maintenance of quality and uniformity in the interests of the home and foreign consumer and of the merchant who supplied markets abroad. It negotiated with foreign countries and arranged for the care of the interests of its merchants, without restrictions as to persons or places, except in the Dutch trade, where such regulations did not as yet seem to be anachronisms. The commissioners did not make enactments in matters concerning the realm, questions of import and export,

¹ *Ibid.* ii. 422-3, iii. 10-11; T. Keith, *op. cit.* 17-18.

² *Ibid.* ii. 379.

³ *Ibid.* ii. 48-9.

⁴ *Ibid.* ii. 242-3.

⁵ *Ibid.* ii. 279-80.

⁶ *Ibid.* iii. 46.

rates and customs, but their advice was asked and their members co-opted by the council to advise on all questions affecting the trade and industry of the nation.

During the greater part of the interregnum the convention of the burghs was allowed to continue to exist, though with less influence and with fewer powers than it had had earlier. It was prorogued in 1650 because of the 'iminent danger quherin the estat of kirk and kingdome within this kingdome at this tyme standis through the unexpectit aproches of the Inglish armies to this kingdom both by sea and land, threatning no les then the ruyne of both, except the Lord prevent the samyn.'¹ In 1651 the commissioners did not meet, probably because the English army was 'ramping throw the kingdome,' but next year they assembled, in 'obedience to the declaratioun of the commissioneris of the parliament of the Commonwealth of England,' to elect seven persons representing the burghs to attend the parliament of England. In 1653 'it pleasit the Parliament of the Commonwealth of England to restoir the Convention of burrowis, quhilk was formerlie obstructed be ordour laitlie gevin.'² Thereafter the convention was held every year, but apparently with special permission for each meeting, for none could take place in July 1657, 'in respect no warrant could be obtaned from the lord generall for that effect.'³ It had submitted early to the new government. Monk wrote that 'all the burghs in Scotland (being incorporated into one body) were the very first, that owned us, and submitted to us, and whose interest is most agreeable with ours, by reason of their trade and traffick.'⁴

But the policy of the interregnum government was on the whole opposed to privilege and restriction, and both in trade and industry the convention and its members had to complain of infringements of their liberties. The lament of the assembly of 1653, 'that treading is now almost whollie takin out of the handis of free burgessis and gild bretheren within the saidis burrowis be such as have no freedome within the samyn,'⁵ was repeated at almost every meeting, and the burghs were continually urged to show diligence against unfree traders. The policy of the staple did not commend itself to the English rulers; 'the commissioners . . . at Dalkeith had a great mynd appeirandlie to have dischargit both our staple at Campheir, and the conservator

¹ *Convention Records*, iii. 358.

² *Nicoll's Diary*, 115.

³ *Convention Records*, iii. 443.

⁴ *Thurloe S.P.*, vi. 529.

⁵ *Convention Records*, iii. 368.

of his office, if we had not cairfullie and tymeouslie adverted thairto by giving them such satisfactiōne as will mak them (we hop) forbear any further proceeding in that bussiness till the meiting of the commissioneris of both nationes at Londoun.¹ No doubt the prejudice against the staple was partly political, for the 'Scots Staple Factory dared to furnish Arms and Warlike Stores for every Attempt to pull him (Cromwell) down.'²

The convention was of distinctly less importance in this than in the previous period. It was no longer an advisory body, neither the council of state in Scotland nor the united parliament desired its opinion. Nor did it issue many regulations, partly because the economic affairs of Scotland were merged with those of England and the united parliament legislated for both, and also because, owing to the desolation caused by the wars and the poverty of the country, there was very little economic activity. The commissioners made use of their meeting together to lament their condition and to petition for relief and for change in the economic policy of their rulers.

The enforcement of the uniformity of weights and measures as usual occupied some of their attention, and they decided to purchase the assistance of the council of state.³ They also drew up a supplication to the commander-in-chief, 'desyring him to interpon his autorite in causing the coall maisteris . . . to furnishe the inhabitantes of the natione with coallis' at the price ordained by earlier acts of privy council and parliament.⁴ The council of state ordered a submission to be drawn up between the coal masters and the burghs on the Forth, which the latter accepted.⁵ The list of questions on which the commissioners petitioned the government for legislation, or for change in existing regulations, is a long one. They objected to the impositions on coal and salt,⁶ to the restraint of the export of wool, hides, skins, etc., which were to be used in manufactories to be set up at home, declaring that their principal trade was in these commodities, and if it was cut off they would have no money with which to set up industries.⁷ They desired to export coal and salt, and to import French and Spanish salt, in whatever ships were most convenient,⁸ and to be allowed to bring home ships bought from strangers without paying the

¹ *Stirling Records*, 1519-1666, p. 203.

² *Historical Account of the Staple Contract between the Burrows of Scotland and Campvere* (1749), p. xviii.

³ *Convention Records*, iii. 447.

⁴ *Ibid.* iii. 370.

⁵ *Ibid.* iii. 432.

⁶ *Ibid.* iii. 493.

⁷ *Ibid.* iii. 391-2.

⁸ *Ibid.* iii. 394.

twenty penny of excise and of custom now exacted from them,¹ and they did not cease to lament the 'low conditione quhairvnto the burrowis of this natione is now redacted, through the long continewed truble thairin.'

The decline in the economic fortunes of the nation during the years 1650 to 1660 synchronized with and was partly the occasion of a decrease in the influence of the convention. For when there was no money, old trades were but feebly prosecuted and no new trades nor industries could be started, and so there was less occasion for consultation and regulation. But in any case the spirit of the government was opposed to particular restriction and regulation, and the English council of state by which Scotland was ruled was not likely to advise with or to give power to an entirely Scottish and democratic assembly.

The interregnum period in Scotland, by union and intercourse with England and freedom from restriction, hastened the changes in economic conditions which had been beginning before the civil war, and after the restoration there was a considerable breaking away from medieval conditions. The protective policy begun by the acts of 1641 and 1645² was continued and developed. Privileges were offered and opportunities given for individuals and companies to introduce new industries and to carry on old, and for foreign capital to be brought in and foreign workpeople to settle. Under these encouragements, especially the Act for Encouraging Trade and Manufactories of 1681,³ many enterprises were started, and, by the time of the union, cloth, linen, glass, sugar, silk, rope, paper, gunpowder, and various other works had been incorporated.⁴

In trade the staple policy was becoming too restricted, and there were many complaints of the infringements of its regulations; the inhabitants of the royal burghs lost a part of their monopoly of foreign trade; a beginning was made of trade with the plantations; and at the end of the century the African company scheme proved the desire if not the ability of Scotland to join in the commercial competition of the day. Scottish trade, like her industry, was becoming less narrow in organization and in scope. It is not easy to estimate the share of the convention of burghs in this development, although it is safe to assert that

¹ *Convention Records*, iii. 435-6.

² *Acts, Scotland*, v. 411-2; vi. part i. 367.

³ *Ibid.* viii. 348.

⁴ For an account of the industrial companies started in Scotland at this time, see W. R. Scott, *op. cit.* iii. 123-195.

it did not take a leading part. Baillie gives the burghs credit for very little enterprise, for he wrote in 1661 that 'at the beginning of the Parliament there were many brave designs for the fishing and more use of Trade, but after much toome-talk, all seems to be vanished, the burroughs sticking absolutely to their old job-trot for their own hurt.'¹ The convention was not consulted as it had been during the reigns of the earlier Stuarts. Then the king and council endeavoured to develop the economic resources of the country by personal intervention. Now parliament offered privileges for any who wished to take advantage of them. The advisory work as to the expediency of proposed legislation, regulations, grants of patents, was to a great extent given over to the councils or committees of trade, appointed by parliament from their own body and composed of seven of each estate. As the burgess interest was represented in these, it was no longer necessary to consult the convention to find out the opinion of their class. The council appointed in 1661² had large powers. It was to establish companies, and grant privileges to them and make rules for them. It was to 'give out orders and directions to all Scots factors and staples abroad,' and to do all necessary for the advance of trade. Thus some of its functions encroached on those of the convention; and it was provided that if any ground of grievance occurred between this council and the royal burghs, the privy council should determine the matter.

The influence of the convention in making and enforcing regulations for industry was less in this than in the earlier period. Then the promoters of industry had been on the whole individual producers working at home, and the regulations for their work were enforced by the magistrates of burghs instructed by the convention. But when companies were promoted to carry on industries, the supervision was often entrusted to the undertakers, and in the case of new industries there was little supervision of quality at all.

The convention was now less representative of all who were engaged in trade and industry. The burghs of regality and barony, some of which had already a considerable trade, were given a share in the privileges of the royal burghs in foreign trade by act of parliament in 1672 and by arrangement with the royal burghs after 1693,³ but they did not send commissioners to the convention. Then a number of the new manufactories were

¹ *Letters and Journals of Robert Baillie*, iii. 469.

² *Acts, Scotland*, vii. 273.

³ Davidson and Gray, *op. cit.* 213-5.

erected outside burghs, at Newmills, Gairdin, Northmills, and several in Leith, and non-burgesses, foreigners, and others were allowed to participate in them. In this respect, it may be noted, the policy of the burghs was becoming more liberal. In 1695 an overture for an act was considered by the committee of trade, declaring that tradesmen and merchants, native and foreign, should be received as burgesses in royal burghs on certain payments,¹ and next year the convention recommended all burghs to receive stranger 'michanicks,' take them in to their incorporations, and 'deal discreitlie' with them.²

Under these changed conditions the burghs took less share in establishing manufactories than they had done before. Regulation of the existing linen and woollen manufactures to maintain the quality seemed to them to be the principal thing required for the advancement of those trades. They ordered the magistrates of each burgh to put into execution the acts of parliament about bleaching and breadth of cloth in 1671 and 1691,³ and asked for the help of the privy council in their efforts in 1675 and 1692,⁴ declaring the true reason of the deficiency of the linen to be that the burghs had not sufficient jurisdiction over the shires.⁵ When Nicholas Dupin secured the promise of a patent for setting up the linen manufactory in Scotland, the burghs said the only way to advance the trade was to put the laws regarding it into execution, and objected to his projected monopoly.⁶ But acts of parliament were passed in favour of the company, one declaring that all pieces exposed for sale were to have a seal of a royal burgh, while another gave the company the right of sealing its own linen. As the opposition of the commissioners to the patent was in vain, the convention advised any burghs that thought fit to join in Dupin's society.⁷

The policy of the burghs with regard to the fishing trade was much the same. They declared in 1660 'how advantageous it wer to the increase of tread and comoun weall of the estait of burrowis with the whol kingdome that the fisching tread be erected within the samyn,' but they had no share in the company promoted in 1670.⁸ It was granted the privilege of importing

¹ *Parliamentary Papers*, xv. 60.

² *Convention Records*, iv. 210.

³ *Ibid.* iii. 628, iv. 145.

⁴ *Ibid.* iii. 643; *Privy Council Register, Acta*, 1692-3, Feb. 11, 1692.

⁵ *Convention Records*, iv. 155.

⁶ *Ibid.* iv. 148-9, 165.

⁷ For the Scots Linen Manufactory, see W. R. Scott, *op. cit.* iii. 162-9.

⁸ See W. R. Scott, *op. cit.* ii. 377-8.

commodities to be used in fishing and in curing, and the burghs petitioned in 1671 that its license to import commodities to be used in fishing and curing should not be used to introduce any other goods.¹ But apparently the company, though it did not do much to develop fishing, tried to make profit out of this permission, for in 1673 the burghs spoke of the great prejudice which the kingdom sustained by such importations.²

A few years later the convention asked the council's approbation of an act laying down regulations about barrels, etc., and giving the burgh magistrates power to put acts of parliament into execution. Then, inspired by accounts of the fishing company in England, the burghs appointed a committee to consider what measures should be proposed for setting up a fishery, and whether it should be managed by a joint stock of the whole burghs or only by those who wished to be partners. But this, like other proposals, came to nothing, and the development of Scottish fisheries did not take place until the eighteenth century.

The convention was not much concerned with the woollen manufactory, which was now being prosecuted with considerable success. After successfully petitioning the Privy Council to prohibit the export of wool,³ it urged each burgh to set up a manufactory of cloth,⁴ but without result. The execution by magistrates of regulations about the breadth, etc., of plaiding was desired by the burghs in 1693⁵ and 1702.⁶ In connection with this trade a monopoly granted for the manufacture of cards used in cloth making was a frequent cause of complaint. The import of old cards was prohibited, and the manufacturers, 'that they might the more friely and without Contrroll abuse the whole subjects,' were allowed to have waiters of their own to seize any which were brought in. The burghs desired to continue to import and use old cards, in spite of the assurances of the promoters that the royal burghs 'have the greatest interest to support this,' the new manufacture; and they very often petitioned against the patent and against the methods of maintaining it, but without success.⁷

The convention, as before, tried to maintain uniformity in weights and measures, and complained in 1671 that several persons had tried to get letters from His Majesty depriving the

¹ *Convention Records*, iii. 626.

² *Laing MSS.*, Div. ii. 43.

³ *Privy Council Register, Acta*, 1696-9, June 8 and 23, 1699.

⁴ *Convention Records*, iv. 287.

⁵ *Parliamentary Papers*, xiv. 101.

⁶ *Convention Records*, iv. 329-30.

⁷ *Parliamentary Papers*, xiii. 39¹, 2, 3.

burghs of their privilege of regulation in their own jurisdictions.¹ One of these was the Laird of Touch, who presented a patent for the sole privilege of weights and measures for thirty-three years, 'in direct oppositione to the rightis and priviledgis of the royall burrowis.'²

In trade the convention, as before, was more occupied with maintaining old privileges than in promoting new enterprises, and was therefore principally concerned with the Dutch, French, and English trades. In the trade with Holland, although the convention of 1689 suggested that they should consider whether the office of a conservator was necessary or not,³ a great deal of attention was given to the maintenance of the staple port, which year by year proved a more difficult task, as more and more merchants sailed to markets where their affairs were less strictly supervised and which suited them better, especially to Rotterdam. During the war it was easier to get convoys thither, and in 1691 the conservator wrote that the 'bulk of the wholl trade . . . runs to Rotterdam.' William wrote to the burghs in 1692 that he had interposed with Campvere to send convoys for Scots ships. He recommended to them at the same time 'the Improvement of your meetings for the use they were designed, to fall upon effectual Measures for the Advancement of the Trade and Manufacture of the Kingdom.'⁴

In 1695 the conservator said the reason of the breaches of the staple was that the merchants declared they would not take goods out of the country at all if they had to take them to Campvere, and the customs collectors, rather than lose their money, allowed them to go without giving bond to sail there.⁵ A great part of these, as of the earlier records, is taken up with complaints of the merchants, negotiations with Campvere, and fresh regulations about keeping the staple port.

The Scottish nation, because of their change in religion and in politics, and still more because of Colbert's protective system, were losing their earlier privileges in France, not without remonstrance from both council and convention, who made numerous appeals to the French government to restore the Scots to their ancient privileges. Early in Charles II.'s reign the duty of fifty sous per ton on every ship was a fruitful source of complaint, and

¹ *Convention Records*, iii. 631.

² *Ibid.* iii. 565-6.

³ *Ibid.* iv. 95.

⁴ *S.P. Scotland*, Warrant Book 15, 125-6.

⁵ Davidson and Gray, *op. cit.* 233-4 n., and see pp. 211-51 for the breaches of the staple port.

from a number of conventions letters were written to Lauderdale, asking him to use his influence with the king or the French ambassador for the 'doungetting' of this impost. In 1684 Mr. William Aitkman was appointed by the burghs to go to the English and French courts to negotiate, 'they being resolved to be at a finall poynt in the said matter.'¹ Their efforts were unavailing, but the conclusion of the treaty with France in 1697 gave them fresh hopes, and they begged the king to allow one or more of their commissioners to represent the burghs at the treaty and try to get the impost of fifty sous, the prohibition of the import of herrings, and the impositions on Scottish manufactures removed.² William had already promised to recommend them particularly to the Earl of Pembroke, one of his plenipotentiaries.³ Mr. John Buchan, the burghs' agent, was appointed to go to London in connection with the treaty,⁴ but Scottish interests were ignored, and no concessions were gained, which was one of the accumulation of grievances against England.

As regards the English trade, the convention played much the same part, petitioning and negotiating in vain for a return to the favoured position which the Scots merchants had enjoyed after the union of 1603, if not to the complete freedom of trade of the interregnum. The burghs early began to lament the passing of the navigation act as 'totallie destructive to the tread and navigations of this kingdome.'⁵ They moved the Scottish parliament to put an excise on commodities imported from England in order that the impositions on Scottish coal, salt, cattle, etc., in England might be taken off,⁶ but this retaliation⁷ had no result. In 1702, amongst the articles to be delivered to the union commissioners for consideration was the 'communicacione of trade betwixt the two kingdoms of Scotland and England, and particularly to the plantationes in the East and West Indies.'⁸ The convention was realizing the value of the trade to the west, although they did not take active measures to promote it. Glasgow represented in 1691 that 'it is the great concern of the royall borrows to have ane interest in forraigne plantations,' and that there might yet be convenient places in Carolina or in some of the islands,⁹ but this

¹ *Convention Records*, iv. 45.

² *Ibid.* 248-50.

³ *Privy Council Register, Acta*, 1696-9, March 11, 1697.

⁴ *Convention Records*, iv. 262-3.

⁵ *Ibid.* iii. 528-9, 547-8, 554-8; *Privy Council Register*, Third Series, i. 89.

⁶ *Convention Records*, iii. 564.

⁷ *Acts, Scotland*, vii. 465-6.

⁸ *Convention Records*, iv. 343-4.

⁹ *Ibid.* iv. 133.

suggestion does not seem to have been discussed further. The burghs decided to subscribe £3000 to the African Company, each burgh to pay its proportion according to the tax roll, and Sir Robert Cheisly, lord provost of Edinburgh, was appointed to represent them at the meetings of the company.¹

In spite of the desire of the burghs for freedom of trade with England and with the plantations, the convention presented an address to parliament opposing the union in 1706. They objected to the parliamentary union because Scottish laws, liberties, trade, etc., would be 'in danger of being encroached upon, altered, or wholly subverted by the English in a British parliament.' The 'trade proposed is uncertain involved and wholly precarious, especially when regulat as to export and import by the lawes of England,' and 'the most considerable branches of our trade are different from that of England and are and may be yet more discouraged by their lawes.'² This address seemed to show clearly that the trading interests of Scotland did not want union, but in fact, as Defoe points out, only twenty-four burghs out of the sixty-six voted for the address, twenty-two were absent, and twenty voted against; while the richest and largest burghs, except Edinburgh, did not join in the address.³ The twenty-four perhaps were alarmed by Lord Belhaven's rhetorical prophecy—'the Royal State of Burrows walking their desolate Streets, hanging down their heads under Disappointments; wormed out of all the Branches of their old Trade, uncertain what hand to turn to, necessitate to become Prentices to their unkind Neighbours; and yet after all finding their Trade so fortified by Companies, and secured by Prescriptions, that they despair of any success therein'⁴—instead of attracted by the vision of the commercial prosperity which eventually followed the union.

The history of the convention before the union shows that, especially in the reigns of James VI. and Charles I., it had a share in the economic development of Scotland. It may not have done much for the direct promotion of new industries and trades, but in other ways it played a very useful part. It was of value as representing the part of the nation most directly interested in economic matters, and in placing their views, asked or unasked, before the king and privy council, when these were more active in encouraging manufactures and commerce than was parliament.

¹ *Convention Records*, iv. 209.

² *Ibid.* iv. 399-402.

³ Defoe, *History of the Union of England and Scotland*, 36.

⁴ *Ibid.*; *Minutes of the parliament of Scotland with Observations thereon*, 33.

In industry the convention stood for the enforcement of national regulations and opposed the continuance of local rules. It upheld its own monopoly, but it was a national monopoly, and it opposed all those granted to individuals. In trade its organization was national, there were no restrictions as to persons, and only in the Dutch trade were there any as to places; and it negotiated for privileges for its members. On the whole, therefore, it made for nationalism and freedom from restriction, and by using its advisory, regulating, and negotiating powers wisely, it helped forward both industry and trade.

But the convention was a conservative body, and when after the civil war Scottish trade and industry began to grow along more modern lines it failed to develop with them. Unfree burghs took a share of foreign trade, manufacturing companies were established outside the burghs, and the convention no longer represented the whole commercial and industrial interests of the nation. Parliament was more important, the burghs were represented there and in the committees of trade, and the convention as an advisory body was less necessary. Industry was escaping from its control, and municipal regulation was beginning to break down. In trade the staple policy was breaking down, and trades with distant places did not give such opportunity for negotiations and regulations as did commerce with neighbouring countries. But when the union was accomplished, the Scottish burghs had a small proportion of representation, and were no longer influential as an estate, nor on councils or committees of trade. The convention was more directly representative of the commercial and industrial part of the nation than was the Scottish contingent at Westminster, and it had therefore an opportunity given to it of returning to its old, or rather, of developing a new, economic importance.

THEODORA KEITH.

Original Charters of the Abbey of Cupar, 1219-1448

TWO years ago I communicated a charter of the abbot and convent of Cupar,¹ discovered by Mr. William Brown, secretary of the Surtees Society, among the Citeaux deeds preserved at Dijon. By this deed, dated January, 1219-1220, Abbot Alexander and his convent entered into a bond with the mother house of Citeaux for the yearly payment at Troyes of thirty marks or twenty pounds, which King Alexander II., for the good of his soul, gave to the monks of Citeaux as a procuration for the abbots in attendance there on the fourth day of the General Chapter of the Order. My note in the *Review* elicited from Mr. Maitland Thomson an interesting letter, with which he sent me transcripts of seven charters from the muniment room of the Earl of Moray, all touching on the same transaction and explaining the provisions of the Dijon charter. Though anxious to recognise at once the magnanimity of that generous scholar, I hesitated to return to the subject of the Cupar obligation till Mr. Brown had an opportunity for further search at Dijon, then in contemplation, in the hope that he might meet with King Alexander's grant to the mother house. I felt that it would be of the greatest interest if the royal charter, originating the obligation to Citeaux, could be discovered. Now that Mr. Brown has revisited Dijon and failed to find King Alexander's charter, there seems to be, so far as I am concerned, no further reason for delay in communicating the additional evidence.

But one advantage to our inquiry has resulted from Mr. Brown's second visit to Dijon. As doubts had been raised about the genuineness of Abbot Alexander's charter, I asked him to examine it again. Writing from Dijon on 15th May last, after a second inspection of the deed, Mr. Brown says that 'the Cupar document is undoubtedly an original. Part of the twisted silk cord for the seal still exists.' On the dorse—'xxvij (*red*) quod

¹ S.H.R. viii. 172-6.

abbas et conuentus de Cupro tenentur nobis soluere xxx marcas annuatim. xj. Littera xj.' On the disputed point of originality we may without hesitation accept the opinion of an experienced palaeographer like Mr. Brown, who twice examined the document.

As the deeds now known to us, touching the new relations between the abbeys of Cupar and Citeaux, form a consecutive series, it may be permissible to reprint the Dijon charter as an introduction to the rest :

TEXT.

Ego, frater Alexander, dictus abbas de Cupro eiusdemque loci conuentus, omnibus presentes litteras inspecturis, notum facimus quod tenemur Domui Cistercii in triginta marcis sterlingorum legallium singulis annis in posterum in nundinis Tresensibus in festo apostolorum Petri et Pauli persoluendis, quas Vir Nobilis Alexander, rex Scocie, pro remedio anime sue et antecessorum et successorum suorum, in perpetuam elemosinam dicte Domui contulit pro procurandis¹ abbatibus apud Cistercium quarto die Capituli generalis, de quibus triginta marcis prefatus Rex nobis ad uoluntatem nostram plenarie satisfecit. Quod ut ratum et firmum permaneat in posterum presentem cartam sigilli nostri munimine roborauimus. Actum anno gracie m^occ^o nonodecimo, mense Ianuario.

TRANSLATION.

I, brother Alexander, called abbot of Cupre, and the convent of the same place, make known to all who shall see the present letter, that we are bound to the House of Citeaux in thirty marks of lawful money, to be paid yearly hereafter in the fair of Troyes on the feast of the Apostles Peter and Paul, which the illustrious Alexander, King of Scotland, for the relief of his soul and of the souls of his ancestors and successors, bestowed on the said House in perpetual alms, towards the cost of maintaining the abbots at Citeaux on the fourth day of the General Chapter: in respect of which thirty marks the said King, at our desire, has given us full compensation. That this (obligation) may continue valid and unalterable hereafter we have confirmed the present writing with the security of our seal. Done in the month of January in the year of grace 1219.

When this deed was first printed, Sir Archibald Lawrie called attention to the indebtedness of the people of Scotland to the

¹ *Procurare* and *procuratio* are well-known technical terms in ecclesiastical law. 'Procurations,' says Bishop Dowden, 'consisted originally in the hospitable entertainment of the bishop and his attendant train when he came to make his visitation of the parish churches. In process of time this obligation was commuted for a payment in money' (*Medieval Church of Scotland*, p. 118): they were also due to archdeacons when they visited. The words have the same signification, *mutatis mutandis*, when applied to the visitation of the abbots to the General Chapter.

house of Citeaux in the peculiar difficulties which beset them at the period when it was issued. 'It is not surprising,' he said,¹ 'to find a charter in France which shews that Alexander II., King of Scotland, helped his Scottish monasteries by agreeing to provide thirty marks of silver a year for the expenses of the General Council of the Cistercians.' The Order had in fact been instrumental in helping the King to fight the papal legate, and it was natural that the services should be in some way recognised.

In 1218, when the trouble was at its worst, the abbot of Cupar was one of the Scottish abbots summoned to Rome for disregarding the legate's orders,² but the upshot of the negotiation, little of which is actually told us, was altogether in Scotland's favour. The abbot of Cupar's participation in diplomacy of this nature enables us in a measure to understand the favour that King Alexander bestowed on that house. The association of Cupar and Citeaux in the same grant appears to predicate an alliance in the same transaction. The next charter of the series leaves little doubt about it.

TEXT.

Alexander, Dei gracia, rex Scottorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciant presentes et futuri, nos, consentiente venerabili patre episcopo Sancti Andree, dedisse, concessisse et hac carta nostra confirmasse Deo et ecclesie Sancte Marie de Cupro et monachis ibidem Deo seruientibus ecclesiam de Eroline cum omnibus iustis pertinentiis suis. Tenendam in puram et perpetuam elemosinam. Reddendo inde annuatim ex parte nostra capitulo Cistercii ad procuracionem capituli generalis quarto die viginti libras sterlingorum. Salua Roberto de Haya tenura eiusdem ecclesie in uita sua. Testibus Willelmo de Boscho cancellario, comite Patricio, comite Malcolmo de Fife, Alano filio Rollandi constabulario, Alexandro vicecomite de Striuelin, Waltero de Lindesei,

TRANSLATION.

Alexander, by the grace of God, King of Scots, to all the good men of his whole land, clerical and lay, greeting. Know present and future that we, with the consent of the venerable father, the Bishop of St. Andrews, have given, granted, and by this our charter confirmed, to God and the church of St. Mary of Cupre and to the monks there serving God, the church of Eroline with all its right belongings. To be held in pure and perpetual alms. By rendering thence yearly on our behalf to the chapter of Citeaux, for the procuracion of the General Chapter on the fourth day, twenty pounds of sterlings. Saving to Robert of Hay the incumbency of the same church during his life. Witnesses, William of Bois, chancellor, Earl Patrick, Earl Malcolm of Fife, Alan son of Rolland, constable, Alexander

¹ S.H.R. viii. 177.

² *Chron. de Mailros*, p. 133.

Charters of the Abbey of Cupar 275

Johanne de Maccuswele, Thoma de Striuelin clerico cancellarii. Apud Edinburgh iij. die Octobris.¹

sheriff of Stirling, Walter of Lindesay, John of Maxwell, Thomas of Stirling, chancellor's clerk. At Edinburgh, third day of October.

In the light of the Dijon charter it may be assumed that King Alexander's grant to Cupar was made on 3rd October, 1219. By comparison with the copy in the breviat of the ancient register, published by the Grampian Club,² it will be seen how much the original adds to our knowledge of what took place. If we accept fifty marks as the yearly revenue of the church of Airlie, as valued for the purpose of taxation in the thirteenth century,³ the monks of Citeaux, as we might expect, were about to succeed to the lion's share. Twenty marks would be only left to the monks of Cupar, out of which they would have to provide for religious ministrations in that church and parish. It was stipulated, however, that the King's charter would remain inoperative till the death or cession of Robert of Hay, the existing parson.

But the monks of Cupar were not slow in turning to the best advantage the King's gift: they did not wait till the death of the incumbent. For the appropriation of the revenues of the church, the consent of the Bishop and Chapter of St. Andrews was necessary. Though the Bishop's charter is not forthcoming, we may be sure that it had been given, for it was by virtue of his sanction that the prior and convent were enabled to act. The charter of the convent here printed presupposes the issue of the Bishop's charter of confirmation.

TEXT.

Uniuersis sancte matris ecclesie filiis has litteras uisuris uel auditoris, Symon prior ecclesie Sancti Andree et eiusdem loci conventus eternam in Domino salutem. Nouerit uniuersitas uestra nos communi consensu et assensu capituli nostri concessisse et hac presenti carta nostra confirmasse donationem illam quam Alexander, Dei gratia, rex Scottorum, et uenerabilis pater Willelmus, Dei gratia, episcopus Sancti Andree, fecerunt Deo et ecclesie Beate Marie de

TRANSLATION.

To all the sons of holy mother church who shall see or hear this letter, Symon, prior of the church of St. Andrews, and the convent of the same place [send] eternal health in the Lord. Let it be known to all of you that we, by the common consent and assent of our chapter, have granted and by this our present charter have confirmed that gift which Alexander, by the grace of God, King of Scots, and the venerable father William, by the grace of

¹ Cupar Charters, div. iv. no. 5. Seal gone. The charter is endorsed: 'De Erolin. Donacio ecclesie de Erolin.'

² *Reg. of Cupar Abbey*, i. 327.

³ *Reg. de Dunfermelyn* (Bann. Club), 210.

Cupro et monachis ibidem Deo seruientibus de ecclesia de Erolin. Tenenda in puram et perpetuam elemosinam. Saluis episcopalibus et salua tenura Roberti de Haya in vita sua. Reddendo inde annuatim capitulo Cistercii uiginti libras sterlingorum ad procurationem generalis capituli quarta die sicut in cartis eorum continetur. Vt autem ista concessio robor perpetue firmitatis optineat eam presentis pagine testimonio et sigilli nostri appositione roborauimus. Valete. Teste toto capitulo nostro.¹

God, Bishop of St. Andrews, have made to God and the church of the Blessed Mary of Cupre and to the monks there serving God of the church of Erolin, to hold in pure and perpetual alms. Saving episcopal dues and saving the incumbency of Robert of Hay during his life. By rendering thence yearly to the chapter of Citeaux twenty pounds of sterling for the procuration of the General Chapter on the fourth day as it is contained in their charters. That this grant may maintain vigor and force for ever we have confirmed it by the evidence of this sheet and by the addition of our seal. Farewell. Our whole chapter is witness.

Though the rights of Robert of Hay, the incumbent, were safeguarded in all the acts of the appropriators, the monks found a way to anticipate the avoidance of the church by entering into relations with him for the farming of the revenues during his life. In 1220, the year after King Alexander's grant, an agreement was made between the monastery and the incumbent whereby the monks took over the whole revenues of the church on condition of allowing the incumbent a yearly pension of forty marks while he lived. It was provided that the monks should find a suitable chaplain to minister to the parishioners, and should discharge all the obligations due from the church to the Bishop of the diocese. Thus, before the monks of Cupar could receive any benefit from the appropriation they had first to pay forty marks as a pension to the incumbent and thirty marks to the monks of Citeaux, provide the stipend of a parochial chaplain, and discharge all episcopal dues. If the monks were not to be considerable losers by the transaction, it seems clear that the value of the revenues of the church of Airlie were much in excess of the amount stated in the taxation given in the Register of Dunfermline. But there is

¹ Cupar Charters, div. 5, bundle 2, no. 50. Seal gone: the silk threads, red, green, and yellow, by which it was attached, remain. Endorsed: 'De Herolin,' (and later) 'Confirmatio capituli Sanctiandree de Erolin.' In the same depository, div. 5, bundle 2, no. 51, there is a duplicate, to which the seal remains attached by the ordinary parchment tag. The only variations are *R. for Roberti* and *xx for uiginti*. It is endorsed: 'Conuentus Sancti Andree de Erolin,' and, in a later hand, 'Confirmacio capituli Sancti Andree in duplici forma.'

little doubt that the revenues were equal to the new conditions. As the church would not become pensionary to Cîteaux till the incumbent's cession or death, it may be assumed that the arrangement was advantageous to all the parties, but especially to the Cistercian Order. The following is the text of the agreement :

TEXT.

CYROGRAPHVM (*upside down: top cut*). Anno ab incarnatione Domini m^o cc^o xx^o facta est hec conuentio inter dominum Alexandrum, abbatem de Cupro, et eiusdem loci conuentum, ex una parte, et dominum Robertum de Haya, ex alia, scilicet, quod dictus Robertus de Haya dedit ad firmam dicto abbati et monasterio de Cupro ecclesiam suam de Erolin cum omnibus pertinentiis suis. Tenendam omnibus diebus uite sue. Reddendo ei inde annuatim quadraginta marcas argenti, scilicet, viginti marcas ad festum Sancti Martini et viginti marcas ad Pentecosten. Sciendum uero est quod dicti monachi dederunt premanibus dicto Roberto firmam quatuor annorum, scilicet, anni Domini millessimi cc^o vicesimi primi et vicesimi secundi et vicesimi tercii et vicesimi quarti. Ita quod predicti monachi soluere incipient firmam dicto Roberto, anno m^o cc^o xxv^o ad festum Sancti Martini. Preterea prefati monachi honestum providebunt capellanum qui honeste deseruiat prefate ecclesie de Erolin et episcopo respondebunt de episcopalibus et ceteris eidem de iure pertinentibus. Hanc autem conuentionem bona fide et sine dolo tenendam dictus abbas de Cupro pro se et conuentu suo coram domino Willelmo episcopo Sancti Andree firmiter promisit, et dictus Robertus de Haya pro se affidauit. Vt autem hec conuentio rata et stabilis permaneat dominus Willelmus episcopus Sancti Andree et magister Laurencius

TRANSLATION.

Chirograph. In the year from the Incarnation of the Lord, 1220, this agreement was made between the lord Alexander, abbot of Cupre, and the convent of the same place, of the one part, and 'sir' Robert of Hay, of the other, to wit, that the said Robert of Hay gave at farm to the said abbot and monastery of Cupre his church of Erolin with all its belongings, to hold all the days of his life. By rendering thence to him yearly forty marks of silver, to wit, twenty marks at the feast of St. Martin and twenty marks at Whitsuntide. But be it known that the said monks gave beforehand to the said Robert the 'farm' of four years, to wit, of the year of the Lord, 1221, and 1222, and 1223, and 1224 : so that the aforesaid monks shall begin to pay the 'farm' to the said Robert in the year 1225 at the feast of St. Martin. Besides the aforesaid monks shall provide a suitable chaplain who will adequately serve the aforesaid church of Erolin and answer the Bishop for episcopal dues and for other things of right belonging to the same. But that this agreement may continue in good faith and without fraud the said abbot of Cupre, for himself and his convent, gave firm assurance in the presence of the lord William, Bishop of St. Andrews, and the said Robert of Hay gave pledge for himself. Moreover, that this agreement may abide sure and steadfast, the lord William, Bishop of St. Andrews, and master Laurence, Archdeacon of

archidiaconus Sancti Andree sigilla sua huic cyrographo cum sigillis pertium apposuerunt. Hiis testibus Roberto de Sancto Germano, magistro Thoma de Tynemuh, magistro Ricardo de Doure, magistro Petro de Driburc, domino Petro et domino Simone capellanis, Johanne de Haya, Hugone de Nidin, Simone de Nusi, Willelmo de Nidin, Mauricio de Kindeloch, Gibun de Haya, Ricardo camerario, Ricardo de Lidel, Ricardo de Tuyford, et multis aliis.¹

St. Andrews, have set their seals, with the seals of the parties, to this chirograph. These are the witnesses, Robert of St. Germans, master Thomas of Tynemouth, master Richard of Dovre, master Peter of Driburgh, 'sir' Peter and 'sir' Simon chaplains, John of Hay, Hugh of Nidin, Simon of Nusi, William of Nidin, Maurice of Kinloss, Gibun of Hay, Richard chamberlain, Richard of Lidel, Richard of Tuyford, and many others.

The lease of the revenues of the church to the monks of Cupar seems to have remained in force till the death of Robert of Hay in 1246. When this event took place, the Cistercians failed to agree on what were the exact terms of the royal grant. Two documents from the Earl of Moray's collection show how the dispute was settled. We may reverse the order, as catalogued in the Earl's depository, with the view of explaining more fully the successive stages in the settlement. The mandate of the Bishop of Dunkeld to the English commissioners, appointed to adjudicate, is of exceptional interest.

TEXT.

Viris venerabilibus et discretis de Ryualle, de Fontanis, de Bello loco Regis in Anglia abbatibus, in causa que uertitur inter abbatem et conuentum Cistercienses, ex una parte, et abbatem et conuentum de Cupro, ex altera, iudicibus constitutis, G[alfredus], miseratione diuina ecclesie Dunkeldensis minister humilis, salutem et sincere deuotionis affectum. Quoniam equi ponderis esse uidetur scienter et prudenter uel falsum proferre uel ueritatem reticere, super collacione ecclesie de Erolyn domui de Cupro per dominum A[lexandrum], Dei gracia, illustrem regem

TRANSLATION.

To the venerable and distinguished men, the abbots of Rievaulx, of Fountains [and] of Beaulieu Regis in England, appointed judges in a suit which is moved between the abbot and convent of Citeaux, of the one part, and the abbot and convent of Cupar, of the other, Geoffrey, by divine pity the lowly minister of the church of Dunkeld, greeting and the sentiment of true respect. Since it seems all one to tell what is false or to conceal what is true, knowingly and advisedly, touching the bestowal of the church of Erolyn made to the house of Cupar by the lord A[lex-

¹ Cupar Charters, div. 5, bundle 2, no. 58. Seals lost, but two tags remain and a slit for a third. Endorsed: 'Conuentio (?) Roberti de Haya de Erolin,' (*and later*) 'Conuentio inter abbatem de Cupro et Robertum de Haya de ecclesia de Erolin.'

Scocie, facta, que presentes uidimus et audiuius vobis dignum duximus intimanda. Cum bone memorie Alexander, quondam abbas de Cupro, uir sapiens et discretus, frequenter circa negotia domini regis expedienda tam apud curiam Romanam quam alibi laborauerat, idem dominus Rex, labores eius et sumptus uolens in aliquo remunerare, predictam ecclesiam de Erolyn, annuente venerabili patre Willelmo, tunc temporis episcopo Sancti Andree ob specialem amorem erga domum de Cupro conceptum, licet in eadem ecclesia ius patronatus certis et rationabilibus ex causis sibi uendicaret, regali munificencia contulit domui de Cupro, saluis tamen domui Cisterciensi xx^{ti} libris per abbatem de Cupro annuatim persoluendis, sicut per instrumenta tam dicti regis quam episcopi uobis plenius poterit constare. Et quoniam super premissis tam nobis qui tunc temporis de consilio domini regis fuimus quam aliis tam clericis quam laicis iuris prudentibus et fide dignis nichil dubietatis relinquitur, vobis supplicamus quatinus Deum pre oculis habentes et honori et fame ordinis uestri consulentes, contra tenorem tot et tantorum munimentorum que de dicta ecclesia dicti monachi de Cupro possident ad tuitionem cause sue satis sufficientium uenire uel secus quam ordinatum est a tam discreto uiro et prudenti, qualis extitit predictus W[illelmus], episcopus Sancti Andree, aliquid ordinare non presumatis. Quod si forte, quod absit, feceritis, nimis euidens materia nobis dabitur de ordine uestro obloquendi, qui quondam prerogatiua religionis precellere uidebatur, cum causam istam, si pace uestra dici fas sit, cupiditas prosequi uideatur non iusticia, que personas non respiciens unicuique reddit quod suum est : maxime cum

ander], by the grace of God, the illustrious King of Scotland, we have thought it right to make known to you what we personally saw and heard. Forasmuch as Alexander, of pious memory, the late abbot of Cupre, a wise and distinguished man, had often laboured to further our lord the King's business as well at the Court of Rome as elsewhere, the same lord the King, wishing to recompense in some way his labours and costs, bestowed by his royal bounty on the house of Cupre the aforesaid church of Erolyn, with the consent of the venerable father, William, then Bishop of St. Andrews, because of the special affection he entertained for the house of Cupre, though he might claim for himself, for good and sound reasons, the right of patronage in the same church : saving, nevertheless, twenty pounds to be paid yearly by the abbot of Cupre to the house of Citeaux, as will be more fully proved to you by documents of the said King as well as of the Bishop. And since, touching the premises, no doubt remains to us who were then of the lord the King's council as to others, clerical as well as lay, skilled in law and worthy of trust, we entreat you that, having God before your eyes and mindful of the honour and reputation of your Order, ye do not attempt to go against the purport of so many and so important evidences, more than abundant for the vindication of their suit, which the said monks of Cupre possess for the said church nor to determine anything otherwise than has been determined by a man so distinguished and skilful as was the aforesaid William, Bishop of St. Andrews. If perchance ye do anything, which God forbid ! a very clear occasion will be given to us to speak evil of your Order which

Cistercienses in dicta ecclesia de Erolyn, exceptis predictis xx^{ti} libris nullum ius de iure sibi debeant uel possint uendicare. Dominus autem episcopus Sancti Andree, ad quem de iure spectare deberet eiusdem ecclesie collacio si nostris adherere uoluerit consiliis, ius suum penitus prosequetur, si ordinatio predecessoris sui in aliquo commutetur. Litteras autem has testimoniales tradidimus domino abbati et conuentui de Cupro sigillo nostro singnatas (*sic*), ut si aliquando de eiusdem ecclesie collacione orta fuerit contentio, per has patentes rei ueritas innotescat. Reddite literas. Valete.¹

formerly seemed to excel in religious pre-eminence, since that suit, if it can be said without offence to you, greed seems to carry on, not justice, which without respect of persons renders to each what is his own: especially since the monks of Citeaux have not of right nor can they claim any right in the said church of Erolyn, except the aforesaid twenty pounds. But the lord Bishop of St. Andrews, to whom of right the collation of the same church ought to belong if he will give heed to our advice, will press his right to the uttermost if the ordination of his predecessor be in any way changed. This letter testimonial, however, we have delivered to the lord abbot and convent of Cupre sealed with our seal, so that if at any time a dispute should arise, touching the collation of the same church, the truth should become known by these patents. Return the letter. Farewell.

It is not quite clear on what authority the Bishop of Dunkeld intervened, as Airlie appears to have been in the diocese of St. Andrews, but the tone of the writing, prejudging the cause, seems unjustifiable. His evidence would be of course valuable to the adjudicators, the English abbots of Rievaulx, Fountains, and Beaulieu in Hampshire, seeing that he had been one of the King's council who was present in 1219 when the grant of the church was made to the monks of Cupar: and, if we accept his statement, that he was acquainted with other evidences, not now forthcoming, necessary for the legal appropriation of the revenues, the letter also confirms the suggestion already made that King Alexander was under some obligation to the abbot of Cupar to account for the grant at this particular date. Bishop Geoffrey explains the cause of the royal favour when he states that Abbot Alexander was frequently employed in advancing the King's interests at the Court of Rome and elsewhere.

¹ Cupar Charters, div. v. no. 52. Fragment of seal. Endorsed: 'Memorandum quod nullum jus habet abbas Cisterciensis in ecclesia de Erolyn nisi tantum xx librarum annuatim.'

The procedure in the grant of a parish church to a religious house is sufficiently well known. The Bishop of the diocese, in which the church was situated, had the determining voice in the terms of the appropriation, no matter who was the grantor, king, or subject. It was his duty to see that the parishioners did not suffer by the transaction. When a church was bestowed by the patron on cloistered monks like the Cistercians, it was a common practice for the Bishop to reserve to himself and his successors the *ius patronatus* or right of presentation to the benefice, and to set out the amount and sources of the stipend that the appropriators were obliged to pay to the incumbent. This transaction was known as the ordination or taxation of the vicarage. The rest of the original revenues was distributed according to the dispositions of the grantor. No appropriation could take place without the Bishop's consent: he could sanction the transference of the advowson or reserve it to himself: his first duty in respect of the revenues was to protect the parishioners.

In the case of the church of Airlie, Bishop William of St. Andrews appears to have reserved the right of presentation as the condition of his sanction of the appropriation. As Bishop William and Abbot Alexander were dead¹ before the revenues of the church came up for distribution, that is, as soon as the church became void of a parson, it was easy for a dispute to arise with regard to a transaction which had taken place so many years before. The exact year of the voidance of the benefice is not known, but it could not have been long before 1246. It would appear that Bishop David of St. Andrews was somewhat slack in looking after the rights of his See: he was at least indifferent to the representations of his neighbour of Dunkeld: perhaps he grudged the labour of investigating the acts of his predecessor with regard to the church of Airlie: but Bishop Geoffrey was resolved to set the world right by safeguarding the interests of all the parties concerned.

The award of the English Commissioners, if the dispute was ever adjudicated by them, is not forthcoming. It is very difficult to imagine that Cistercian abbots, with the prestige of those of Rievaulx, Fountains, and Beaulieu, could undertake their commission in the face of a communication like that of Bishop Geoffrey. But as the medieval period is full of surprises, it may

¹ Bishop William Malvoisine died on 9th July, 1238 (Dowden, *The Bishops of Scotland*, p. 13), and Abbot Alexander resigned the abbey of Cupar in 1240 (*Chron. de Mailros*, p. 150), but he must have died before 1246.

happen that they had done so and communicated their verdict to Abbot Matthew of Melrose, who brought it to practical issue. The end of this stage of the dispute is declared in the following document:

TEXT.

Vniuersis presentes litteras inspecturis, Frater M[attheus], dictus abbas de Melros, salutem in Domino. Vniuersitati vestre notum facimus quod cum controuersia esset inter venerabiles abbatem et conuentum Cistercii, ex vna parte, et abbatem et conuentum de Cupro, ex altera, super eo quod dicti Cistercienses dicebant ecclesiam de Erolim eis totaliter datam a domino rege Scocie, illis de Cupro contrarium asserentibus et dicentibus quod predicti Cistercienses nichil amplius habebant in predicta ecclesia quam viginti libras annui redditus sterlingorum: tandem predicta controuersia terminata est in hunc modum, videlicet, quod predicti abbas et conuentus de Cupro debent soluere predictis Cisterciensibus in nundinis Trecensibus, in festo apostolorum Petri et Pauli uel in sequenti primo capitulo generali viginti marcas sterlingorum pro dampnis et expensis: pro qua solutione facienda nos et domum nostram dictis Cisterciensibus obligamus: et ipsi predicti Cistercienses quittauerunt dictam querelam imperpetuum supradictis Cuprensibus: ita dum taxat quod predicti Cuprenses soluent annuatim sicut antea facere consueuerant Cistercio viginti libras sterlingorum, omnibus instrumentis super hoc negocio confectis in suo robore permanentibus. In testimonium autem omnium predictorum et confirmationem nos, predictus abbas de Melros, vna cum predicto domino abbate Cistercii impressionem sigillorum nostrorum presentibus litteris

TRANSLATION.

To all who shall see the present letter, Brother M[atthew], called abbot of Melros, greeting in the Lord. We make known to all of you that whereas there was a dispute between the venerable abbot and convent of Citeaux, of the one part, and the abbot and convent of Cupre, of the other, because the said monks of Citeaux alleged that the church of Erolim was wholly given to them by [our] lord the King of Scotland, those of Cupre asserting the contrary and alleging that the aforesaid monks of Citeaux had nothing more in the aforesaid church than twenty pounds sterling of yearly rent. At length the aforesaid dispute was ended in this manner, namely, that the aforesaid abbot and convent of Cupre ought to pay to the aforesaid monks of Citeaux, in the fair of Treves, on the feast of the Apostles Peter and Paul or in the first General Chapter following, twenty marks sterling for losses and expenses: for the making of which payment we oblige ourselves and our house to the said monks of Citeaux: and they, the aforesaid monks of Citeaux, shall relinquish for ever the said suit at the above-named monks of Cupre: so that the aforesaid monks of Cupre shall merely pay yearly, as they have been accustomed to do heretofore, twenty pounds of sterlings, all the documents made touching this matter continuing in their full force. In witness and confirmation of all the aforesaid, we the aforesaid abbot of Melros, together with the aforesaid lord abbot of Citeaux, have caused

fecimus apponi. Actum anno Domini
m. cc. quadragesimo sexto tempore
capituli generalis.¹

the print of our seals to be affixed to
the present letter. Done in the year
of the Lord 1246, in the time of the
General Chapter.

It will be observed that the advowson of the church or the provision for the maintenance of the incumbent is not mentioned in the award. These would naturally come in the ordination of the vicarage by the Bishop of St. Andrews, one of the documents in the history of the appropriation of the church of Airlie which has not yet been found. The subsequent history of the parish church² is so interesting that one would like to see the terms of the ordination. Our knowledge of the ecclesiastical law of Scotland in such matters at that period would be immensely advanced by the discovery of the document.

The monks of Cupar continued to pay the yearly pension of twenty pounds out of the revenues of the church of Airlie for nearly two centuries. Early in the fifteenth century, however, the house had fallen into arrears, but by the kindly offices of the abbot of Balmerino in 1408, a composition of forty golden francs was accepted by the monks of Cîteaux in full satisfaction for the debt, and a new settlement was arrived at whereby half of the statutory yearly pension was remitted for the twenty years then ensuing, the term of payment remaining as before. The following is the text of the acquittance, embodying the terms of the new agreement :

TEXT.

Nos, frater Johannes, abbas Cistercii, notum facimus vniuersis quod cum venerabiles et in Christo dilectissimi coabbas noster et conuentus monasterii de Cupro, nostri Cisterciensis ordinis, Sanctiandree diocesis, nobis nostroque Cisterciensi monasterio teneantur in viginti libris legalium sterlingorum annui et perpetui redditus in nundinis Trecensibus in festo apostolorum Petri et Pauli vel in sequenti proximo nostri ordinis capitulo generali persoluendis, de et pro quibus xx libris annui redditus multa nobis debebantur arre-

TRANSLATION.

We, brother John, abbot of Cîteaux, make known to all, that whereas the venerable and most beloved in Christ, our fellow-abbot and the convent of the monastery of Cupre, of our Cistercian Order, of the diocese of St. Andrews, are obliged to us and our monastery of Cîteaux in the payment of twenty pounds of lawful sterling money of yearly and perpetual rent, in the fair of Treves, on the feast of the Apostles Peter and Paul or in the next Chapter General of our order following : of and for which twenty pounds

¹ Cupar Charters, div. v. no. 49. Seal of Cîteaux a fragment : seal of Melrose entire. Endorsed : 'Declaracio contencionis inter Cistertium et Cuprum propter ecclesiam de Erolyn.'

² See *Register of Cupar Abbey* (Grampian Club), s.v. Airlie.

ragia : compassiuis auribus audita predicti monasterii de Cupro lamentabili desolacione per venerabilem coabbatem nostrum de Balmorynach seriatim et fideliter nobis exposita, quicquid ratione pretacti redditus viginti librarum nobis et iam dicto nostro Cisterciensi monasterio de et pro quocunque lapso tempore debebatur usque ad datam presencium, pietatis intuitu, quittauius et remisimus ac earundem presencium tenore quittamus et remittimus plenarie. Mediante tamen somma quadraginta francorum auri de cugno regis Francie domini nostri : quam summam xl francorum integraliter et in numerata pecunia recepimus ab eodem coabbate nostro de Balmorynach, et de quibus xl francis ac pro dictis arreragiis quibuscunque predictos Cuprenses ac ipsum de Balmorynach nostro nostrique conuentus et monasterii Cisterciensis nomine quittos teneri facere perpetuo promittimus per presentes. Nostram insuper ampliando gratiam eisdem Cuprensibus harum serie concedimus ut de predictis xx libris, ut premititur, nobis annuatim per eos debitis, per immediate sequentes hanc diem viginti annos, quolibet dictorum viginti annorum decem libras legalium sterlingorum nobis tantum soluant : reliquas decem libras anno quolibet dictorum viginti annorum durante termino duntaxat graciose quo supra nomine et harundem tenore presencium remittentes. Datum Diuione sub appensione sigilli nostri xvij die mensis Iulii anno Domini millesimo quadringentesimo octauo.¹

of yearly rent many arrears were due to us : having heard with sympathetic ears of the woful plight of the aforesaid monastery of Cupre made known to us orderly and faithfully by our venerable fellow-abbot of Balmorynach, we with pious intent have surrendered and forgiven, and by the purport of the same presents do surrender and fully forgive whatsoever was due to us and our monastery of Citeaux already mentioned, of and for any past time whatsoever up to the present date, by reason of the rent of the twenty pounds before alluded to : in consideration, however, of a sum of forty golden francs of the coin of our lord the King of France : which sum of forty francs we have wholly and in ready money received from our same fellow-abbot of Balmorynach : and of which xl francs and for all the said arrears we undertake by the presents to cause the aforesaid monks of Cupre and him (the Abbot) of Balmorynach to be held quiet in our name and in that of our convent and monastery of Citeaux for ever. In augmentation of our favour, moreover, we grant by the tenor of this letter to the same monks of Cupre, that of the aforesaid twenty pounds, as previously explained, due yearly to us by them, they shall pay only to us, throughout the twenty years immediately following this day, ten pounds in lawful sterling money in each of the said twenty years, forgiving by the title and purport of the same presents the remaining ten pounds in each of the said twenty years, the term by favour continuing precisely as above. Given at Dijon by the addition of our seal on 17th July, 1408.

¹ Cupar Charters, div. iv. no. 41. Seal gone. Endorsed : 'Quitancia domini Cistercii per abbatem de Balmorinach optenta et impetrata.'

But the whirligig of fortune brought another change at the Chapter General held in the September of 1448. The pitiable condition of the monks of Cupar, caused by dangers and losses of various descriptions, was laid before the business committee of the Chapter, and a scheme was agreed upon for the entire redemption of the pension by the payment of a lump sum of four hundred golden crowns by the monks of Cupar to the mother house. The complete remission, under the great seal of the abbey of Cîteaux and that of the capitular assessors, is as follows :

TEXT.

Nos, Frater Johannes, abbas Cistercii, ceterique diffinitores¹ capituli generalis, Cisterciensis ordinis, notum facimus vniuersis, quod anno Domini millesimo cccc^o xlviii^o, in eodem capitulo die xiiij mensis Septembris apud Cistercium celebrato, facta fuit quedam diffinitio, cuius tenor subsequitur in hiis uerbis :

Presens generale capitulum, benigniter attendens paupertatem monasterii de Cupro in Scotia, quantisque et crebris agittetur periculis et perditionibus tam propter undositates marinas quam propter insidias inimicorum interpositas, summam siue redditum viginti librarum monete Scocie, pro et de qua somma dictum monasterium tenebatur et in perpetuum obligabatur capitulo generali, remittit et quittat ipsum capitulum eidem monasterio ipsumque eximit a solutione dicti annui redditus viginti librarum pro futuris et perpetuis temporibus. Ita tamen quod abbas et conuentus dicti monasterii de Cupro pro redempcione predicti redditus domino Cisterciensi seu pro-

TRANSLATION.

We, brother John, abbot of Cîteaux, and the other assessors of the General Chapter of the Cistercian Order, make known to all, that in the year of the Lord 1448, in the same chapter celebrated at Cîteaux on the fourteenth day of the month of September, was made a certain 'definition,' the purport of which follows in these words:

The present general chapter, giving gracious heed to the poor estate of the monastery of Cupre in Scotland and by how many and frequent dangers and losses it is troubled, as well by reason of stormy seas as by the snares of enemies between us and them—the said chapter forgives and acquits to the same monastery the sum or render of twenty pounds of Scottish money, for and of which sum the said monastery was bound and for ever engaged to the General Chapter, and frees it from the payment of the said yearly render of twenty pounds for all time to come. So, nevertheless, that the abbot and convent of the said monastery of

¹ A *diffinitio* was in the nature of a statute or bye-law for the regulation of Cistercian affairs. The *diffinitores* were a council of abbots, selected by the abbot of Cîteaux, in whose hand was the power of the General Chapter for the making of statutes and the defining of all disputed matters of discipline, when that body was out of session. They formed a consultative committee to the Superior of the Order. For lack of a better word, I have given assessors as the equivalent. For the mode of their election, see *Cistercian Statutes* (ed. J. T. Fowler), p. 51.

curatori aut certo mandato suo sommam quadringentarum coronarum auri, boni auri et legitimi ponderis, infra festum Natiuitatis Dominice proxime venturum fideliter et integraliter in villa Brugensi¹ persoluent et consignabunt seu persolui facient et consignari. Datum sub sigillo diffinitorum dicti capituli, anno, die, meuse et loco supradictis.

Et ad maiorem premissorum firmitatem et securitatem, nos, abbas Cisterciensis antedictus, sigillum nostrum maius, vna cum predicto sigillo diffinitorum, presentibus duximus apponendum. Datum ut supra.²

Cupre, for the redemption of the aforesaid rent, shall pay and transfer or cause to be paid and transferred, faithfully and wholly, in the town of Bruges, to the superior of Citeaux or his proctor or by his definite order, a sum of four hundred golden crowns, of good gold and lawful weight, within the feast of the Nativity of our Lord next to come. Given under the seal of the assessors of the said chapter in the year, day, month, and place abovesaid.

And for the greater security and guarantee of the premises, we, the abbot of Citeaux beforesaid, have caused our greater seal, together with the aforesaid seal of the assessors, to be affixed to the presents. Given as above.

From that day the house of Cupar was sole possessor of the rectorial revenues of the church of Airlie. It will be admitted that the vicissitudes of the appropriation add considerably to our knowledge of the history of that monastery. No exception will be taken to my purpose that attention should be wholly confined to the new evidences from the Earl of Moray's collection of charters. Printed evidences are accessible to all and called for no mention in this discussion. Students of Scottish history, but more especially those interested in the history of Forfarshire, are under great obligation to the Earl for allowing these charters to be made public. My personal indebtedness to Mr. Maitland Thomson has been already acknowledged.

JAMES WILSON.

¹ The mention of this town, where payment was to be made, favours my previous suggestion (*S.H.R.* vii. 176) that the commercial intercourse of Scotland with Flanders had something to do with the fixing of Troyes as the original place of payment. The Scottish abbots, as it would seem, approached Citeaux from the north-west, travelling by Bruges and Troyes.

² Cupar Charters, div. v. no. 78. Signature, 'Frater Guil[ie][m]us abbas Igniaci.' Two seals. Both broken. Endorsed: 'Littera perpetue quittantie abbatis Cistercii et capituli generalis annue pensionis xx librarum.' The only other deeds in the Earl's collection, in which Airlie is mentioned, are Testifications by Archbishops of St. Andrews, in 1479 and 1532 respectively, that the abbey of Cupar was not bound to contribute to the *caritativum subsidium* levied by the Archbishop.

Arthur Johnston in his Poems

THANKS to a harmless egotism, some poets have anticipated and indulged the desire of posterity to know something of their lives and personal characteristics. The biography of Horace has been compiled in a series of selections from his verse; and Ovid has almost spared us the trouble of gathering and piecing together. Arthur Johnston, a disciple of Ovid in the art of Latin elegiac verse, has been almost as obliging. His biographers, though they have spared no pains, have little to add to what may be gathered from his writings; and it is only from these that we can form a true idea of his character. Nowadays, however, his volumes lie unvisited except by the rare antiquary or the library moth. Yet the personal poems contain the preservative of human interest; and they are worth knowing, if only because they offer the relief of a broad and kindly humanity to the picture of Scotland in days when it was a wild of theological and political savagery.

Arthur Johnston was born, as nearly as may be conjectured, in 1577, and was a Johnston of that Ilk in the parish of Leslie in Aberdeen, his father being laird of Johnston.¹ The fifth son of a large family, he had to make his own way in the world; and after an education at Kintore and Aberdeen, he betook himself to the Continent. At Heidelberg he continued his studies, and in brief space rose to the rank of professor. Soon after he removed to Sedan, where the Duc de Bouillon was fostering a new University. Johnston was called to the chair of Logic and Metaphysics and remained there for nearly twenty years. During the first six of these he visited Italy twice, and on the second occasion came away with the degree of Doctor of Medicine. That he kept his chair in Sedan and studied medicine

¹ As he says in his poem, *De Loco Suo Natali* :

Clara Maroneis evasit Mantua cunis
Me mea natalis nobilitabit humus.

in Italy part of the time seems to need explanation, though the matter has not troubled any of his biographers. Probably, like Scottish professors in the eighteenth century—Adam Fergusson, for example—professors at a French University might desert their posts when they chose, by simply securing a cheap *locum tenens* during their absence.

His degree immediately gained him an extra chair at Sedan. Retaining his position in Logic, he became professor of Physic. For years thereafter his life seems to have been one of ordinary academic routine; nor is it until nearly the end of his residence abroad, when he would be over forty, that we find him making his first appearance as an author. The last trace of him in the records of Sedan is dated 1619; but whether he left that University then, one cannot tell. He remained on the Continent other three years, and may have returned to Heidelberg. The probability of this conjecture depends on two facts: that his poems on the troubles of the Palatinate were printed there, and that soon after the capture of the city by Tilly we find him back in Scotland, enrolled as a citizen of Aberdeen.

During his residence at Sedan, Johnston was on terms of intimate friendship with Andrew Melvill and Daniel Tilenus; the one exiled from Scotland for his hostility towards episcopacy, the other—a Silesian divine of Arminian principles—being a strong counter charm to such an influence. Johnston himself may have acted as moderator to their assembly, when all three foregathered. As we see in many of his writings he was, like the humanists in general, rather indifferent to theological polemics; if he did ever take a side, it was only later, in Scotland, when the intolerable intolerance of Presbytery threatened his personal freedom. On such occasions, as we shall see in his *Apologia Piscatoris*, he could speak in unequivocal accents, a sturdy latitudinarian.

For some time after his return to Scotland we know nothing certain of him. Sir William Geddes conjectures that his poems in support of the Princess Palatine—James's daughter Elizabeth—may have proved a passport to courtly circles in London; and thinks that it was about this time he gained his title of Medicus Regius. But even if this were so—and it is very probable—there was nothing to keep him in England. As we know from one of his lighter poems, the title was long an empty one. The post was a successionship, and, as Johnston complains in this *jeu d'esprit*—a poem rather serious in tone to be quite successful as such—the royal physicians one and all gave promise of longer life than

was convenient for him. His circumstances did not permit him to be an idler, so in all probability he soon went north, and there settled on a farm 'at the back of Benachie.' None of his biographers refer to this episode of his life; but that there was a farming period is evident from several of his poems.

He does not seem to have found the life altogether congenial. Yet he produced then much more and much better verse than he had done during his professorial period. In due course he published several volumes of sacred and of secular verse. The most notable was a complete Latin version of the Psalms. By this time he had formed an acquaintance with some of the leading men of the time; whether by correspondence or by frequent visits to Aberdeen, it is impossible to say. But his circumstances may have changed and he may have removed to the city. He can hardly have remained the busy farmer he pictures himself in his Epistle to Dr. Robert Baron; for we next find him appointed Rector of the University and King's College of Aberdeen. According to Irvine, the position was a sinecure; Geddes, with more reason, makes it out to have been sufficiently arduous.

The next certainty is the last. In 1641 he went to Oxford to visit a daughter who had married a clergyman of the English Episcopal Church. There he fell ill, and died.

This is all, or nearly all, we know of the life of Arthur Johnston. Add to it a few details of genealogy; the complete list of his works, with dates of publication; the fact that he was twice married, first to a Belgian lady and next to a Scottish; and the sum is complete. It was the humdrum life of a scholar who shunned the strife of politics and theology. A lawsuit or two about property flushed it with what would seem to have been enormous excitement, which found vent in over-heated verse. An incident of travel, when he was robbed of some clothes by the crew of the ship he sailed in, is made the occasion of a blistering satire on sailors in general. Probably, on these occasions, the poems were more to him than the events that called them forth.

The poems of Johnston that are still worth reading relate almost entirely to his life in Scotland, and are not very numerous. The translation of the Psalms may now be regarded as a mere literary *tour de force*; and much of the secular verse can only reward the curious antiquary. Yet, though few have the qualities of permanent literature, the sum of the lines of those few is quite as large as the residuum of many an unforgotten poet whose work has been sifted by the centuries. A reader who is versed only in

modern literature may not think them poetry at all, may say that they are only good talk metred. But in ancient times, and even in the eighteenth century, the functions of verse and prose were not so distinctly differentiated as they have been since. The verse of Johnston that may still rank as literature is good talk, in metre, and satisfies the old definition of poetry.¹ Sometimes it even satisfies the narrower modern conception. The following poems are presented only in translation; yet they suggest a personality that helps to mellow the usual picture of those times.

Let us take first the Epistle to Dr. Robert Baron, the most distinguished of the famous group of divines, known as the Aberdeen Doctors, who were celebrated by Clarendon as resisting the Covenant. It was sent with some poems; and, while inviting the severest criticism, apologises for the shortcomings of the work by explaining the conditions of the author's life. As we read we are reminded of the words of Macaulay in the first chapter of his *History*: 'Scotsmen whose dwellings and whose food were as wretched as those of the Icelanders of our time wrote Latin verse with more than the delicacy of Vida.' The historian was thinking particularly of Buchanan, but it will be seen that he might equally well have had in mind the circumstances in which Johnston strove to 'guard the fire within' and cultivate the art he loved.

TO ROBERT BARON.

From Gadie's banks I send this little book—
 Gadie that lies, as Gades² lay of yore,
 Remote from life. I send it sad at heart,
 Knowing you'll trace the bumpkin on each page.
 But marvel not that, living far from Town,
 I miss the quickened life that flowers in art.
 Think of me farming on a wretched croft
 Whose rocky knolls sparely permit the plough,
 And think what I was once, a man of books,
 Living to emulate the sires of song.

The hand that held the pen now holds the plough,
 And oxen have the place of Pegasus.
 These are my tilling-team. I follow them
 Bent o'er the plough-tail, staring on the ground,
 And leaning hard to drive the coulter deep.

¹ πάντα μέτρον ἔχοντα λόγον, to quote the definition of Gorgias, in Plato's dialogue.

² The use of the word *Gadiacis* suggests that the poet meant a play on the word, Gades or Cadiz being on the outskirts of Roman civilization.

Sometimes I ply the goad, often I chant,
Sing-song, to teach the inharmonious brutes
To step in rhythmic motion. Or, again,
I delve, I harrow, trench in desperate dargs
Soil rough and stubborn as it came from God.
Here one part is all stones, one must be drained,
And one cries out for irrigating streams,—
A triple toil. Woe worth the weary flail,
Woe worth the spade! My aching arms and feet
Throb, even as I write, anathemas.

Myself, half-naked, three-pronged graip in hand,
Must trench the mire, and spread with foul manure.
In Spring, a Sower I go forth to sow;
In Autumn, see me reaping hook in hand!
My harvest brings a three-fold care. One part
Goes to the kiln for drying; one to the quern
For bruising; and a third, the precious flax,
Must in the stream be steeped. But, twixt those cares,—
Those of the Spring and Fall—in Summer hours
I dig for fodder for the winter fire.
Deep down I delve,—ay, down so deep I go
That fancy, or my very eyes, behold
The under-world of Shades. And they, methinks
I hear them cry, 'That's Johnston! Poor old slave!'

Care follows care, as on a stormy sea
Billow on billow rolls in endless wrath.
Scarce in the dead of night my eyes are closed
When sings the bird of dawn. I rouse myself,
And wrap in shaggy comfort back and foot,
Then break my fast on what would break your heart,—
Parsnip¹ and water! I die a thousand deaths!
Nor does the underworld my fancy haunts
Hold such a luckless, miserable soul.

I am not what I was. My looks would scare
My lady mother and my peasant nurse;
And even myself am frightened to behold
Hair gray with dust, a countenance begrimed,
And feet and legs all filth. My neck is bowed,
And, from a ploughman habit, I fix my gaze
Ever upon the ground like any ox.
Temples and brow are shaggy, and my breast
A fell of hair: my beard is coarse, unkempt;
My hands are horny, and my once soft skin
Is tough as leather with the sun and frost.

¹ *Rapa*. This is usually translated turnip, but the turnip was not then known in Scotland. A point for antiquaries.

Such loss of comeliness one might endure :
 The outer husk were little if the mind
 Knew no decay. But mind and body pair :
 My wits grow clownish and my manners coarse,
 Fit only for this highland wilderness
 Where learning, wit, and every kind of grace
 Of noble intellect are all to seek.

Of bullocks, oxen, ploughs, I think and talk ;
 Yet I discourse in clownish syllables
 So awkwardly that men in funeral march
 Might drop the coffin, if they overheard,
 To hold their sides for laughter. Latin now
 Is foreign speech, and all the skill is lost
 That once I had to strike Apollo's lyre.
 If aught remains of my Latinity,
 'Tis but the lees and smells of squalid life.

Perhaps you doubt. Well, take this little book
 And find corroboration. Read it through,—
 If conscience pardons the expense of time—
 And let your quill strike through each faulty phrase ;
 And spare not ; for by your arbitrament
 Each word shall stand or fall. Yet, while you rub
 My wretched parchment to a palimpsest,
 Join me in prayer to Apollo. Do I crave
 Redundant harvests such as sickles reap
 In Araby the Blest, or that my fields
 Employ a hundred ploughs ? Nay, 'tis not wealth,
 'Tis life I long for : to be once again
 A citizen, not a savage, on the earth ;
 To leave the plough, to abandon Gadie's banks
 And outer darkness—this I crave, no more.

A picture of a farmer poet naturally suggests the thought of Robert Burns, but in this connection it would be idle to pursue the parallel of comparison and contrast. Johnston, as he figures himself here, is rather more suggestive of William Wilkie, professor, farmer, and poet, once famous among his patriotic countrymen as the Scottish Homer, on account of his now long-forgotten *Epigoniad*. Known as 'Potato Wilkie' because of his ardour in cultivating the then little-known vegetable, he drudged on his little farm, an uncouth, unkempt, shabby scarecrow, while he recited the Greek poets or went metring verse of his own in ardent emulation.

Perhaps Johnston's disgust with his lot is overdrawn. No doubt he felt the difficulties of the double life, and longed for

greater leisure to pursue his art; yet elsewhere he pictures himself as contented enough with country life. There is a certain poem, addressed to the Chancellor, Hay of Kinnoul, in which he inveighs against some one who seems to have tried to oust him from his acres.¹ There he speaks of his farm as a place he had chosen for pleasant retirement 'after a thousand toils.'

Hic posui fixique larem : post mille labores
Spes erat hic molli posse quiete frui.

It is Goldsmith's vision of what Sweet Auburn might have been to him, his 'long vexations past.' Only, instead of the idle evening hour when he should draw the villagers round the fire to listen to his recollections of his wandering life, Johnston had a vision of leisure made pleasant by poetic pains.

Spes erat et patriae laudes, in rupe remota,
Pangere, Grampigenas et celebrare duces.

Manual labour was to Johnston what it was later to Thoreau, the price one pays to be permitted to live; and to live meant to him, as to Thoreau, to give oneself to the art of literature. Johnston, however, had a family, and, as is evident from several of his poems, was proud of the size of it. He had, therefore, to pay also for their privilege to live :

Non sibi sed soboli vixit,

as he tells us.

Yet, withal, he must have had some time to himself on his little estate; and that not merely for verse-making but for another art which he seems to have loved quite as well. *A Fisher's Apology* is a complaint against those who would interfere with his angling on Sundays, and it is one of his most spirited compositions. Besides a reasoned defence of Sunday fishing, it contains an enthusiastic description of the art he practised. In some passages it sings of the angler's delights in a strain that would have warmed old Izaak Walton's heart. The lover of the lore of fishing might well look it up; for not only does it rehearse the pleasures of the

¹This poem should interest the historical student, as illustrating the methods by which a claimant in those days sometimes sought to assert his alleged right. Johnston speaks of his rival as a man of violence, who plundered his farm, carried off his cattle, and went about with a gun, ready to shoot him at sight—a 'Wild West' picture. It is a pity that we do not know the whole story: probably Johnston found protection in the Chancellor, who was his kinsman, or we should have heard more of it.

art, it also contains much interesting information about the devices of the Scottish sportsman in the seventeenth century. Here is the first part of the poem :

A FISHER'S APOLOGY.

Why vex your soul, sir Parson? Wherefore fret
To see me on a Sunday cast my net?
I am no Jew, but Japhet's offspring free:
The fourth command was never meant for me.
I know God's law is just, but cannot find
He looks on mortals with a crabb'd mind.
The Seventh day is sacred; but does this
Mean to the active world paralysis?
That foolish thought Christ flouted when He healed
The withered hand, or in the ripened field
Heartened the hungry Twelve to pluck the corn.

The Pharisee still lives, and thinks no scorn
To be no wiser for the Master's voice.
The Christian day I honour, and rejoice
To see the tired ox and tired hind
Neglect the plough and harrow; for I find
Monday still serves for them. But woe to him,
That fisher who, when waters are in trim,
Lets slip the occasion; for not fleeter flies
The orient blast than from our heedless eyes
Rare opportunity. Here, by this pool,
Must I then play the Puritanic fool,
Neglecting net and rod because 'tis Sunday?
The fish are here,—it may be but for one day.
There leaps a lusty salmon, twenty pound!
To-morrow, if I let the clock go round,
He'll haunt the higher stream. Come, where's my rod?
It cannot be that I was meant by God
To pasture flocks for others to devour.
This thought too weighs with me: by some strange power
The fish seem Presbyterian, and betray
Fearless presumption on the sacred day;
Then, Presbyterian Gadie, let me seek
Thy waters this best day of all the week!
Men are but mocked, if nets must idle lie
While all this gleaming wealth fleets safely by.

To net a pool is not a toil profane.
Consult the classics: in that largest reign
Of mind, no thought lies clearer: o'er & o'er
The ancients call it sport and nothing more.

The huntsman toils, I grant, the fowler, too,
The while they thrud their way the forest through :
My easy art no Scripture may attain,
But bless it as refreshment for a saint.

Here ends the first counterblast to the decree of Presbytery. To the austere Puritan it must have read as desperate flippancy. To flout the fourth 'command' and bid him consult his classics, as if those godless pagans were to be regarded as doctors of the Christian law! And truly nothing is quainter at times than the eclecticism of the humanists, when they entered into disputation with men whose doctrines were almost entirely drawn from the Old Testament.

Johnston, probably for artistic relief, now interpolates into his argument a lively sketch of a day's salmon fishing. Here is the first part of it :

Perched on a lofty rock I scan the stream ;
And there—and there—the silver corslets gleam
Of salmon. 'Tis the noble annual rent
To Benachie from the far Ocean sent
To pay the little lending to his tide.
And these live pools are mine,—my acres wide
With harvest ! And, as some misty Autumn morn
The farmer, pacing past the heavy corn,
Knows that the time has come, and, filled with fears
Of ruinous rains, is restless till he hears
The reaping-hooks a-swishing ; so my soul
Trusts not to-morrow with the shifting shoal
This is *my* harvest. With a joyous shout
I hail the hinds : 'Get fishing-tackle out,
And launch at once.' There's no delay, no shirking ;
For they, too, never think they're working
When busy after salmon. The rapid oar
Tosses the tide, while, moving from the shore
And circling back, the boat pays out its trawl,—
Nets, floats and sinking stones. At length they haul
The bulging bag-net in ; then, back to land,
They fling the floundering prey upon the sand,
To sob for water in the starving air.
Brief agony ! My lads with eager care
Kill, dress, and salt them ; and I think no wrong
To hear the humming of a harvest-song.

Net-fishing o'er, we seek for further prey
With lying angle-craft. Our baits betray
The simpletons. Fools of a faith too blind,
They think, like men, that Providence designed

All toothsome things for tasting. Or we try,
 For lack of bait, the falsehood of a fly,—
 Some snip of garish plumage, to beguile
 The youthful grilse, quick-eyed for flaunting style.

With a rush he leaps at the lure. I strike, and a thrill
 Tells me his victim is victor, stuck fast in his gill.
 A moment's amaze and he's off. I let the line out,
 And the poor wretch flees with it headlong, ever in doubt :
 Up the stream, down the stream, now he is dashing across,
 Scouring the waters at random, still at a loss.
 Now he wheels like a circling storm, till his panic strength
 Ebbs; suddenly he gasps, exhausted; at length
 He shakes his gullet empty. The agony o'er,
 Slowly we hale the weary hero ashore.

This suggests that in Johnston we have the Scottish Izaak Walton; or rather—since the *Compleat Angler* did not appear till 1653—that in Walton we have the English Arthur Johnston. Further proof lies in the sequel, wherein Johnston enters lovingly into the many fisher's wiles he practised. Sometimes he lashed the waters with the sling-net (*funda*); sometimes he tried the dart (Scotch *leister*); sometimes he lured the fish into the osier hand-net; sometimes he condescended to use the midnight torch; or, again, he laid down *cruives* that were 'filled and peopled like the Trojan horse.' Again, he tells us of a weird device to frighten the salmon from their course and make them run into crates cunningly set for them. This was to deposit the skull of a horse and its white bones in the run of the fish. They dash aside in terror and enter the trap.

The lines that follow this Waltonian excursus are rather surprising, coming as they do from the poet who earned a pietistic reputation with posterity by his Latin version of the Psalms. Even if there is any fault in Sunday fishing—so he is pleased to say, resuming his argument—his family amply atone for it, the whole crowd of them (*turba*). Like many a paterfamilias of later times, the poet thinks he does his Sunday duty by sending his family to Kirk.

Templa frequentantes pro me cum conjugate nati
 Tura propinarunt plurima, plura dabunt.

Perhaps the paterfamilias of this type was not so common then: at any rate, Johnston seems certain that such reasoning will not convince his persecutors, and proceeds to contest the theological

objections with serious Scriptural and historical arguments. We need not follow these. But, before concluding, he condescends to what generally proves the most telling appeal in all such matters,—the business argument. The prohibition, he points out, is bad for the staple trade of Aberdeen. This argument he clinches with an appeal to those who prefer the good wine of the Continent to the local barley-bree, since wine came chiefly in exchange for fish. This, of course, is flippancy again; but the point is worth referring to for a line that should delight the antiquary:

Quis bibat *ingratos*, quos præbet Scotia, *fumos*?

Here, as Sir William Geddes suggests in a footnote to the text, is a suggestion that 'peat-reek' is of so old a date for whisky.

But that by the way. Throughout the poem we have constantly recurrent proof that Johnston, while willing and able to argue with Presbytery, viewed the whole agitation with a good-humoured contempt he hardly cared to disguise.

These two poems, *To Robert Baron* and *A Fisher's Apology*, have an interest that is both personal and antiquarian. The Epistle to David Wedderburn, on the other hand, is almost purely personal; and it is probably the poem that, of all his works, has most charm. David Wedderburn, Rector of the Grammar School of Aberdeen, had been the poet's bosom friend in boyhood. The poem appeared first in Johnston's *Parerga* (1632), and, if it was written not long before that, the author would be a little over fifty at the time. In those days that was nearer the foot of the hill than it is now, and Johnston at the outset dwells on the changes time has wrought upon him in body and mind. Then follows, in the manner of the times, an array, which one would now call pedantic, of classical parallel instances of pupils who had grown greater than their tutors. In their own case, says Johnston, it did not weaken friendship. The next passage forms a delightful companion idyl to *We twa hae run about the braes*, and is enriched by memories of youthful enthusiasm, youthful pedantry, and youthful ambition.

But the idyllic days ran their course. The youthful dreamers were rudely awakened by the voice of worldly wisdom. They had quaffed the finest cup that life has to offer, that of high-hearted visionary youth; they had drained it. 'Seas between us braid ha'e roared since Auld Lang Syne.' Thus Burns, and thus Arthur Johnston before him.

The poet then proceeds to recite those details of his life abroad which have helped his biographers to fill out their meagre sketches.

Finally, he reverts to the theme of the prelude, old age. By this time he seems to have written himself into a better humour; and, though still sighing over the thefts of Time, he seeks consolation in reflecting that Youth has not everything to boast of. Old age has its compensations. These he notes in a series of epigrams that are in his best light vein.

Such are a few of the poems in which Arthur Johnston reveals his personality. 'There is no need,' says Samuel Johnson, 'to criticise a book that nobody reads'; and, if there were any truth in the remark, it might be extended to men long since dead and forgotten. But it is occasionally the duty of criticism to dust old books and reveal their hidden worth: and it is equally incumbent upon us to revive the memories of men whose quiet virtues make no noise in the great babel of fame. Great warriors, master statesmen, angry dogmatists, and sowers of sedition print themselves with emphasis upon the pages of history, but the best life of a nation often flows in kindly and unobtrusive men. These make the finest humanity of the past, and it is bad history to ignore them. If only the men of Johnston's stamp were better known, the times in which they lived might not wear so gloomy and savage an aspect as they sometimes do. No period of Scottish history stands in greater need of such relief than those days of the conflict of Crown and Presbytery; and it is as a contribution to the pleasanter tones of the picture that these few hints of Arthur Johnston's genial and humane personality are offered.

T. D. ROBB.

The Castle Campbell Inventory :

AN INVENTORY OF ARCHIBALD, 7TH EARL OF ARGYLL'S CASTLE OF CAMPBELL (formerly called Castle Gloume), in the Shire of Clackmanan, taken on 21 February, 1595. Transcribed from the original, preserved in the Argyll Charter Chest.

THE following inventory is one of a class of documents of considerable interest. It is here printed in full.

The writer of this article visited the fine old ruin a few years ago. It still stands in a spot of enormous natural strength above the town of Doller, and he has seldom seen even in foreign climes a more splendid situation. He was pleased to see that the present owner of the Castle had roofed and restored one or two rooms of the Keep, where the caretaker told him an artist or two occasionally came to live in the summer months. The vast extent of the Castle, which was constantly in use till it was besieged and burnt during the Montrose wars, is most impressive. Much of its strength is due to the fact that it is perched on a tongue of land, with precipitous sides sloping down to the two gorges, each carved out by a foaming burn, which unite immediately below it.

Enormous numbers of documents are dated at this Castle by the successive Earls of Argyll for many generations. They used it when they came to the Lowlands as their chief strength, which is such that, except by starvation or treachery, it must have been well nigh impregnable.

One of the chief attractions is the woods of natural growth, which cling to the steep sides of the gorge below. Behind it rise steeply the grass-covered slopes of the Ochils, so that on this side there is no view. In the Middle Ages these slopes were probably covered with copse woods, which supplied the Castle with fuel. The Earl's vassals dwelling in Doller and the plains below had most curious services in kind to pay, such as carrying wine, etc., from the 'Pow of Alloway,' and, as usual, serving him under his banner when he happened to be at the king's wars. At Flodden great numbers of these vassals followed the banner of Archibald, 2nd Earl of Argyll, to that fatal battle, where he himself with many of his kindred fell. During their residence at this Castle, the Argylls became benefactors to the neighbouring Abbey of Culross, with whose Abbots they frequently entered into transactions, and a few years ago, during the restoration of the Abbey Church (now used by the Established Church), the presence of certain tombs of Campbells of Argyll is naturally thus explained by the architect, Sir Rowand Anderson.

The lands of Campbell, alias Doller and Gloume, must not be confused with the neighbouring lands of Tillicoulttrie, or the lands forming the Barony of Menstrie which for many generations had been held by the Campbell chiefs.

So far as the writer can as yet discover from the writs in the Argyll Charter Chest, Doller or Glum was part of the appanage of the three Stewart heiresses, Margaret, Isobel and Marioun, daughters of Iain Stewart, Lord of Lorne, who respectively married Colin Campbell, 1st of Glenurquhy; Colin 1st Earl of Argyll, great nephew to Glenurquhy; and Archibald alias Celestine alias Gillespick Campbell 1st of Otter, who was Glenurquhy's youngest brother.

On 2 April, 1465, sasine of the £10 lands of Doller and Gloum was granted in three separate thirds, viz. a third to Duncan Campbell, son and heir of the said Sir Colin Campbell of Glenurquhy; a third to Isobel Countess of Argyll; a third to her sister, Marioun Stewart. (*Argyll Charters.*)

Consolidation set in as on 4 Feb., 1481, Glenurchye resigned his third in favour of Colin 1st Earl of Argyll, whose son Archibald 2nd Earl, had sasine there on 24 May, 1493.

On 3 February, 1489-90, the Earl had obtained an Act of Parliament changing the name of his stronghold of Castle Gloom to Castle Campbell, which he appears to have thought a more pleasing designation. (*Acts Parl. Scot.* ii. 222.)

On 31 Jan., 1493-4, Sir Duncan Campbell 2nd of Glenurquhay, and Lady Isobel Stewart, Countess of Argyll, resigned their thirds of Campbell, alias Doller or Glume, into the hands of George, Bishop of Dunkeld, in favour of the said Archibald 2nd Earl of Argyll, done in the Chapter House of Dunkeld Cathedral.

The Bishops of Dunkeld were all this time the Superiors of the lands which continued to be for centuries called in all writs 'the ecclesiastical Lands of Doller or Glume.'

On 31 January, 1493-4, the Bishop gave the Earl a feu charter of the said lands, with a remainder to a number of the Earls heirs male in entail. To be held of the Bishops of Dunkeld for ever, and the Reddendo was 16 marks, and for failure to pay there was a penalty of half a merk per day for the repair of Dunkeld Cathedral. For which payment the Earl and Glenurquhay respectively pledged their lands of Menstre in Clackmannan, and Glenurquhay in the Barony of Lochow. There is also a curious stipulation by this Bishop that if heirs male should exclude nearer heirs female, that the latter should be recompensed either in lands or other goods, or that they should 'tocher' them on their marriage according to the modification (viz. calculation) of the Bishop. (*Argyll Charters.*)

Succeeding Bishops of Dunkeld in turn duly infefted all the succeeding Earls, till Disestablishment of the old order took place, and from the 10th Earl onwards the lands held direct of the Crown. It was not till about 1830 that these ancient possessions were sold by the spendthrift George 6th Duke of Argyll.

INVENTORY.

The Inventar of ye Inspreich and geir fand and sichtit In ye place of Campbell ye xxi day of Februar j^m v^c fourscoir feštein (1595) be gawin zeirs allexander in blairhill, Mr James Kirk notaries, William Menteth of powmawth miln, Jon patoun of hilfutt, William Cunninghame in ye . . . Jon patoun in middiltoun. Alexander Kirk in blairhill, William Nutoun in maines of dowlor, Jon Smyth in dowlor, Duncan drysdail, Thomas Allexander.

Imprimis sicktit in ye wardrup above ye hall fourtein feddir bedds and sextein feder boustares

Item ane coffer ther contenand ten hieland cadders (?)

Item sewin wowin scotts coverings auld and new.

Item aucht auld coverings of arras work.

Item ane grit scotts kist unlokit yrin sex pair of auld walkit blancatts and sex pair of new walkit blancatts.

Item yrin nyne pair of quhyt hieland plaidds.

Item ane coffer not lokit wae and keyis yrin.

Fywe pair auld linnen scheitts and tua pair auld scheitts of tuill. Item mair ane pair of holland lynnen scheitts. Item yrin thre bordclayts of lynnen qr of ane is auld.

Item yrin tua dairk bordclayts. Item fyve damas scheitts haill. Item ane handen buirdclayt.

Item ane coffer with ane lok wtout ane key.

Item ane bed of rasor work contenand thrie peice of courtenes, thrie paires with ruif and heid.

Item ane lynnein bed bandit with rasor work.

Item thrie peice of lynnein courteines bandit with rasor work. Item tua pares of arras work.

Item thrie peice of courteines of blew m^ccaij (?)

Item thrie pares of grein damas. Item thrie piece of courteines of champit sey. Item thrie lang paire of lycht grein damas. Item tua peice of courteines of grein sey. Item ane lang paire of reid fleming broudent with blak and yellow.¹ Item tua peice of courteines of worsett reid and quhyt chexit. Item ane lang paire of reid cryp. Item R . . reid grew-grane (?) cuirteinis and ane auld ruiff yrte.

Item ane lang paire of figuirt crip reid and quhytt.

Item tua peice of courteines chanxit reid and quhytt.

Item tua paire of blak taffatie funzeit (?) with blak silk. Item ane grein pladin cannabie

Item ane auld reid worsett cannabie. Item ane auld broun cannabie of plading. Item ane grein say cannabie till ane redill. Item tua auld ruiffes of bedds of reid worsett. Item ane fyne cramoisie velvett mess clayth brouderit wit gold.² Item thrie auld grein counter claythes for chalmeris.

¹ These were therefore of the family colours.

² A Mass vestment apparently, as the Castle certainly had formerly a Chapel attached to it, but as no mention is made of it, probably it had been profaned before this date.

Item in ye wardrup ane bordclayth for ye hie buird wowin upone ye thrade. Item thrie auld buirdclayths for chalmeris wowin upone ye thrade.

Item ane buirdclayt of arras work for ye buird in ye lottar chalmer. Item ane grit clayt wowin upone ye thrade. Item sex todde³ witout coewaires. Item sewin cussones of blak gowgrany (?) Item ane burdclayt wowin upone thrame. Item ane dowson of auld cussones of auld cryp. Item tua auld sewit cussones. Item ane cheir coverit wit reid crammasie velvet. Item ane faldane cheir coverit wit quhyt damas. Item ane uthyr faldane cheir coverit wit Irische werk. Item thrie faldane cheirs bandit wit leddir. Item thrie faldane stolls sewit wit worsett. Item tua bayche³ stolls coverit wit dene velvott. Item thrie peice of auld mess clayt⁴ Item ane croslatt⁵ of prui⁶ wit heid peice, thrie gantelatts and pertinentis. Item thrie bed rodde of Irne. Item ane glass plattones, coverit wit wands⁶. Item fywe wattir potts of tin. Item ane mekill brasin pott. Item fyes (?) fyve pares. Item ane brasin wattir fatt. Item tua tin quart Item thrie tin plattones witout heids. Item tua tin chandclares. Item tua auld chandclares of quhyt Irne. Item aucht tin litle pleatis. Item ten tin . . . Item tua dowsane and tua of small tin sasers. Item thrie auld litle potts of Irne. Item ane uthyr tin . . . ?

Item ye tymber of ane grit standard bed. Item ye tymber of ane litle canobie bed all of warstett.

Item tua peice of quhaill bain. Item tua mekle bredds of vindoks⁷. Item ye bak of ane cupbuidr. Item thrie dealls upone treisles.

Item ane tapestrie of arras work.

Item in ye litle galrie In ye hed of ye new work therin nathing, closit wit ane key be ane shott.

Item ye hauch chalmer abone ye grein chalmer ane dor wit ane portell and tua bedds standine ane privie dor wit bands and snek⁸.

Item ye commoune chalmer abone my lordis uttir chalmer with lok and dor yrin sex beddis bund and auld Irne chymnay.

Item ye grein chalmer wit dor, lok and key, ane portall dor wit snek and bands. Item sevin peice of grein tapestrie bandit wit razor work. Item tua featheard bedds wit thrie rodde of Irne. Item ane buird of cyper ane with ane comptour clayth yrone wowin upone ye thrame (frame or thrade perhaps?) Item ane cheir. Item ane gowind (?) Irne chymney⁹.

Item ye laiche galrie in ye new work ane dor wit key, lok and bands. Item thairin ane standard bed.

Item ye galrie in ye end of ye pantrie wit dor lok and key and ane ruinated bed.

Item my lords Inner cabnatt wit ane dor and ane press amrie¹⁰ and lang settill affixit thereto.

Item in my lordis Inner bed chalmer sex peice of hingand^{10A} tapestrie.

³ Beech wood ? ⁴ Old Mass vestments.

⁵ Corslet of armour.

⁶ Glass with wicker-work protecting it.

⁷ Window frames perhaps ?

⁸ Snek is a bolt, and is still in use in the North.

⁹ Going or in use perhaps (?)

¹⁰ Aumbry or small cupboard.

^{10A} Hanging tapestry.

Item ane standard bed wit ane palne? lyand therinto and thrie rodde of Irne. Item ane ruinated bed. Item ane buird tua furmes ane Irne chymnay.

Item in my lordis uttir chalmer four peice of hingand tapestrie, ane faldand comptar buird wit tua lang furmes

Ane grit seatt at ye heid of ye buird. Item ane cheir. Item ane schoirt furme. Item ane sconce. ane capbuird.

Item ane Irne chymnay.

Item. In ye hall ane hie buird wit ane for service, thrie syd buirds wit fixit syd furmes and tua louss heid furmes. Item ane grit vine chymnay.

Item ane . . .

Item ane capbuird wit dores, postell, bands, and sneks.

Item ye uppermaist kitchin chalmer wit tua bedds witout beddrwmes (*sic*)

Item ye chalmer abone ye kitchin wit tua standard bedds ane furme, ane dor and lok witout key.

Item ye pantrie wit ane buird ane amrie

Item ye gairdre in amiss tua buirds ane dor ane lok and key therin.

Item ye kitchin wit tua buirds, tua standand raks ane mashay fatt, wit dor and lok witout key.

Item ye slesche (? flesche) landing ane dor, ane lok, witout key. Item ane buird. Item sex stands broken and haill with cleiks of Irne.

Item ye aill seller wit dor, lok witout key, tua deills upone treasles, ye steppis of ane auld maskin fatt.

Item tua lairdnor lokit wit wolts

Item in ye lang traviss ane dressing buird and elevin barrells, ane fatt, ane gyll.

Item in ye litle sellar under ye kitchin, wit dor lok and key, thre punzeons, ane barrell.

Item ye wolt In ye heid of ye towir ane butter croyche, dores and vindoks.

Item ye Inner chalmer in ye heid of ye new werk ane lekt? camp bed.

Item in ye wttir chalmer of ye tour ane brew land? ane buird, ane stray cheir. Item tua stane weychts of leid, ane Irisch¹¹ weycht, ye uthyr irne? weycht.

Item for small weychts wit ringis. Item ane pair of wey buiks. Item ane kist wit certane compt buiks therein. Item ane pair of grit Irnes wit sewin schankills¹².

Item ane rowinate bed. Item ane . . . tting buird. Item ane auld Irne chymney. Item cheis shelf. Item ane brewing spult.

Item in ye Inner heiche tyll chalmer In ye galrie thereof ane standand bed.

Item in ye Inner tyll chalmer ane standand bed wit ane paleiss therin, thrie Irne rodde ane chymney, ane buird, ane furme. Item tua glas in ye windoks.

¹¹ Some Highland measure, in which sense the word Irish should always be taken in old MS. of this kind.

¹² Shackles for prisoners, for which there is plenty of accommodation still visible at the Castle. The dungeons there have rows of raised stone beds.

Item ye utter heiche yllit chalmer tua standand bedds ane irne chymnay, ane furme, ane grit lok witout ane key.

Item ye utter laiche tyll chalmer tua standand bedds, ane buird, tua furmes, ane cheir wit ane Irne chymnay.

Item ye Inner layche tyll chalmer ane standand bed, ane buird. Item ane grit flanders kist of aik fast lokit and bandit. Item ane grit lettron of aik lokit, bondit and fast. Item ane coffer bandit and lokit ane Irne chymnay & thre rodde of Irne.

Item ye laiche volt in ye ground of ye new vork tua standand bedds, ane Irne chymnay, ane buird.

Item in ye towir hall tua standand bedds; ane grit girnell kist, ane buird, tua furmes, ane vine chymnay, ane capbuird.

Item ye girnell hous ane mekle girnell kist, ane pair of kairt quheills and stoks. Item ane irne zett upoun ye tour and ye lok of ye vines upoun ye Irne zett in ye passage to ye zaird.

Signed.

Wm Menteith ¹³.

Duncane Drysdail

Gavinus Alexander notarius ac testis
in praemissis requisitus.

Thomas Alexander witnes.

Mr James Kirk witnes.

William Cunynghame witnes.

Jhon patoun witnes.

The original Inventory covers six pages of paper in a difficult handwriting. It is probable that all the articles named were lost in the fire when Montrose's forces burnt the Castle.

It will be noticed that Iron chimneys, viz. grates, were quite numerous, and that there was plenty of valuable tapestry and arras work. Table covers are always called 'buird clayts,' and tables themselves are always buirds, and we read of the 'hie buird' on high table, where the Earl sat in a 'grit seatt.' The item of tua deills or tresles sounds alarming, but refers to a rough table. It is curious that so little armour is mentioned, and no cannon or guns are named. The mention of 'the new work' is apparently the wing nearest to Doller which was built by either the 5th or 6th Earls, uncle and father respectively to the youthful 7th Earl, in whose time this paper was written.

A list of the different parts of Castle named in the above Inventory may be made out as follows:

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|--|---|
| 1. The Wardrup above the hall which seems to have been a store room. | 4. The Common Chamber above the Earl's outer chamber. |
| 2. The little Galrie in the head of the new work. | 5. The Green Chamber. |
| 3. The High Chamber above the green chamber. | 6. The laiche (low) galrie. |
| | 7. My Lord's inner cabinet. |
| | 8. My Lord's inner bedchamber. |
| | 9. My Lord's outer chamber. |

¹³ He was Captain of Castle Campbell, as appears from other papers of the period. During the absence of the Earls from any of their Castles, they had always a Captain to guard it, and in many cases, such as at the Castles of Carrick, Dunoon, Innischonnell, Dunstaffnage, the office was heritably transmitted from father to son for centuries.

- | | |
|--|---|
| <p>10. The Great Hall, where meals
were taken.</p> <p>11. The uppermost kitchen chamber.</p> <p>12. The chamber above the kitchen.</p> <p>13. The Pantry.</p> <p>14. The gairdre, whatever that was.</p> <p>15. The kitchen.</p> <p>16. The slesche landing.</p> <p>17. The Aill Cellar.</p> <p>18. } Two Larders.</p> <p>19. }</p> <p>20. The Long Traviss (viz. passage).</p> <p>21. Little cellar under the kitchen.</p> <p>22. The vault in the head of the
Tower.</p> | <p>23. The inner chamber in the head
of the new work.</p> <p>24. The outer chamber of the
Tower.</p> <p>25. The 'inner heiche tyll chamber'
with a galrie in it.</p> <p>26. The Inner tyll chamber.</p> <p>27. The 'utter heiche yllit' cham-
ber.</p> <p>28. The utter laiche tyll chamber.</p> <p>29. The Inner layche tyll chamber.</p> <p>30. The laiche volt in the ground
of the new work.</p> <p>31. The Tower Hall.</p> <p>32. The Girnell House.</p> |
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NIALL D. CAMPBELL.

Reviews of Books

SCOTLAND AND THE FRENCH REVOLUTION. By Henry W. Meikle, M.A., D.Litt., Lecturer in Scottish History in the University of Edinburgh. Pp. xix, 317. Demy 8vo. Glasgow: James MacLehose & Sons. 1912. 10s. net.

THIS is a most excellent piece of work and a valuable contribution to national history. Dr. Meikle writes from a wide knowledge of both sides of his subject; his judgment is sound and trustworthy; his sense of proportion is just; and his style is straightforward and clear and pleasant to read. He is familiar with the printed sources, he has read a large amount of MS. material both in Great Britain and in France, and he has worked industriously through an enormous quantity of the pamphlet and periodical literature of the period.

Dr. Meikle deals in ten chapters with the years 1782-1802, and adds a rapid sketch of the thirty years which had still to elapse before the passing of the first Reform Act. After tracing the 'signs of political awakening' from the years when the spirit of liberty began to 'take a northward turn,' he proceeds to deal with burgh and ecclesiastical reform. The constitution of Scottish burghs had long required the most careful investigation. A Committee of the House of Commons reported in 1793 that in thirteen burghs 'the majority of the Council either may or must be continued without change or re-election'; that in thirty-four burghs 'the Council, or a part of the Council, elect the majority of the new Council without there being any restrictions against their re-electing themselves'; that in one burgh one-half, and in other two burghs one less than one-half, of the Council is continued, and may re-elect a majority of the old Council. Only in four burghs (Aberdeen, Kirkcaldy, Cupar, and Dunfermline) was it necessary that 'a majority of the Councillors for the ensuing year must be different persons.' Since the attacks on municipal corporations by Cromwell, Charles II. and James II., there had been great disinclination to interfere with the sanctity of charters, but the existing situation in Scotland was indefensible, even by Dundas. Yet, as Dr. Meikle remarks, Pitt 'could hardly be expected to inquire into a system which enabled his friend and colleague to place at his disposal, with unfailing regularity, thirty-nine out of the forty-five votes of the Scottish members.' Thus the golden opportunity was missed, and the ideals of the French Revolution found willing sympathisers in Scotsmen, who knew that in Scotland everything was not for the best in the best of all possible constitutions. Some of these sympathisers were afterwards driven to take the view that 'any change, at

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any time, for any purpose is much to be deprecated,' and this sentence certainly represents the attitude of the Government.

Dr. Meikle has printed, in a valuable Appendix, the Minutes of the first Convention of the Friends of the People in Scotland in Dec. 1792. They are from the report of a spy, who was not likely to soften any dangerous expression, and yet it is impossible to find in them anything to justify the panic which seized the authorities or the shameful treatment of Thomas Muir. From these unhappy memories Dr. Meikle turns to the French projects of invasion and the Scottish Militia Act of 1797, which led to further troubles and to the prosecution of the United Scotsmen for a conspiracy 'on so small a scale that it might well have been treated as venial.' His chapter on the Church and the French Revolution is interesting and suggestive. We look forward to more work in Scottish History from Dr. Meikle's pen.

ROBERT S. RAIT.

GREATER ROME AND GREATER BRITAIN. By Sir C. P. Lucas, K.C.B., K.C.M.G. Pp. viii, 184. 8vo. Oxford: Clarendon Press. 1912. 3s. 6d. net.

THERE has been a tendency in these islands, both on the part of public opinion and on that of its intellectual leaders, to treat imperial problems with apathy or studied neglect. One of the most hopeful signs of the times is that a revival of interest in imperial questions is being accompanied by the growth of an influential school of political thinkers inspired by the conscious mission of directing attention to the problems involved in our imperial future. Above all, it realises that the future of the Empire depends on the intelligent interest displayed in imperial problems by the individual citizens of its constituent parts. 'It is, therefore, a very great and real mistake,' says Sir C. P. Lucas, 'to regard the future of the Empire as depending in the main upon Ministers and Government offices. It depends in an increasing degree, as distance diminishes and knowledge grows, upon the individual citizens.' In assisting these individual citizens to think imperially and in directing their attention to the problems at issue his book will prove of inestimable value.

Sir Charles Lucas is in a position to speak with authority on Greater Britain, and his great knowledge is reinforced by clear thinking and its complement, a clear and attractive style. By means of a comparison with the greatest imperial achievement of antiquity he is able to bring into relief the conditions and structure of the British Empire and to direct attention to some of the problems which its citizens must inevitably face. Greater Rome is used as a foil to Greater Britain, and it would be hardly fair to criticise omissions in an account which aims at analysing the New Empire rather than at describing the Old. Perhaps some mention might have been made of the control exercised by the armies of Rome over the occupancy of the imperial throne. It is in part responsible for the association of the word imperialism with militarism in its worst form.

Roughly, the first half of the book consists of a survey of the factors conditioning the growth of the two empires. The British Empire is the result largely of individual initiative; its growth has not been conditioned by a

centralisation of authority or by geographical continuity. The Roman Empire, on the other hand, was the creation of the State in a sense in which the British was not; there is nothing, for instance, in the history of the ancient empire to correspond with the part played by the great chartered companies. Very interesting are the observations made on the effect of environment on the character of the settlers and consequently on that of the empire. The Romans were not adventurous settlers in spacious backwoods; they advanced in compact bodies, carried Rome with them into the provinces, and Romanised the natives of the country occupied. But in the case of the Dominions, British settlers scattered themselves in wide spaces. Their environment, combined with their remoteness from the mother country, profoundly modified their individual and national characters. In the one case native subjects were stamped with Roman characteristics, in the other the racial characteristics of British-born settlers were changed by their new environment.

The advance of science too has changed the conditions which mould imperial policy. In part it has enabled us to do the same kind of work as the Romans, but on a vastly different scale, *e.g.* the Assouan dam or the irrigation works in India. In another department it has set itself a task entirely new in kind, and medical research hopes to reclaim for settlement lands at present uninhabitable by white men. The facility of communication, always a first consideration for imperial states, is yet another sphere in which science is profoundly modifying the conditions, and a very good point is the reminder that the British Empire assumed its present form at a time when the possibilities of communication were less developed. The result has been that the members of the great family, now brought into daily contact with each other, possess independent individualities developed during the period of their remoteness from the Mother Country and each other. Class, colour, and race represent problems with which Rome, except in a very minor degree, was unfamiliar. The very complicated nature of the questions which these cross divisions raise for modern imperialism is clearly explained, and the possible dangers arising from lines of cleavage, which run counter to the other lines of division in the Empire, are illustrated with salutary frankness.

The second half of the book examines the structure of the two empires, and rightly emphasises the unique character of the British Empire. The Roman Empire was a unit with a centralised authority; the British Empire is not merely two, but many empires in one. The first fundamental division comes, of course, between the Dominions and the Dependencies, but the Dependencies are themselves a group of nations differing in individuality, in national character, and in their private interests. Again Rome stood alone, she possessed an imperial monopoly. *Mole ruit sua*; the causes of her decay were internal. The British Empire has no military frontier, but many rivals. Finally, the two great exponents of a constructive policy adopted very different methods. The Roman's maxim was a corollary to his centralisation of authority, *divide et impera*. The British constructive policy, on the other hand, has shown a tendency to build up a series of large independent units.

For the future Sir Charles Lucas is hopeful. He realises that a policy inspired by a sound conservatism is the only road to success. Panaceas produce little but harm; there can be no solution of all imperial difficulties by cut and dried schemes of statecraft. The fate of the Empire depends ultimately on the commonsense, patriotism, and intelligence of its citizens.

In the long run, by the intelligence of our public opinion our Empire stands or falls, and in placing the fruits of his special knowledge and profound reflection in the hands of the private citizen Sir Charles Lucas has earned the gratitude of all imperialists. No summary can adequately convey the educational value of a book whose every page stimulates the reader to profitable trains of thought.

There is, however, one deficiency in his presentment of imperial problems. On the questions arising out of the relations between the Mother Country and the Dominions the book is wholly admirable, but the Dependencies are less faithfully dealt with. There is no mention, for instance, of the possibility that political changes in the Oriental world outside the Empire may produce some effect, prejudicial or otherwise, on the relations between ourselves and the inhabitants of our Oriental Dependencies. In India Sir Charles Lucas anticipates no radical change of our policy of government. While most imperialists would agree that any advance must be cautious and conservative, at the same time changes are actually taking place with great rapidity, and few deny that the ultimate goal is towards the creation of self-governing nationalities. Here, in fact, we have attacked a bigger task than the Romans ever attempted, and that with an alien race. The Romans created an administrative machine at a sacrifice recognised by few except idealists like Cicero. Even in the rule of an alien conquest we can make the proud boast that while creating the benefits of efficient government our policy has not been one of exercising a purely selfish control over an administrative machine. But big stakes involve big risks. The aspirations of races as yet immature in ability for self-government have combined with the too hasty idealism of generous inexperience in certain quarters at home to aggravate our difficulties. Here, too, an educated public opinion is the only safeguard. Unfortunately, however, while the ignorance of public opinion increases the difficulties abroad, the ingenuity of the Oriental agitator and the gullible ignorance of his dupes render the information of public opinion a matter fraught with dangerous possibilities.

W. R. HALLIDAY.

LA MAGIE ET LA SORCELLERIE EN FRANCE. Par Th. de Cauzons. Vol. I. Origine de la Sorcellerie. Ce qu'on racontait des sorcières. Opinions diverses à leur sujet. Pp. xv, 426. 5 francs. Vol. II. Poursuite et châtement de la Magie jusqu'à la Reforme Protestante. Le Procès des Templiers. Mission et procès de Jeanne d'Arc. Pp. xxii, 521. 5 francs. Vol. III. La Sorcellerie de la Reforme à la Révolution. Les couvents possédés. La Franc-Maçonnerie. Le Magnétisme animal. Pp. viii, 550. 5 francs. Vol. IV. La Magie Contemporaine. Les Transformations du Magnétisme Psychoses et Névrose. Les Esprits des Vivants.

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Les Esprits des Morts. Le Diable de nos jours. Le Merveilleux populaire. Pp. viii, 724. 7 francs. Paris: Libraire Dorbon-Ainé. [1911].

OCCULT study derives material aid from this effort of a French scholar, whose volumes claim to be a full survey of the story of and the belief in Magic and Sorcery, with all their ramifications of witchcraft and demonology—from their semi-religious origins in the East down to the latest phases of European semi-scientific theory, pathological explanation, and widespread survival of credulity. A truly great survey in many ways it is, although the contrast which it necessarily challenges with the works of earlier scholars may leave room for a critical opinion on the relative standards of research, and the absolute balance of advantage between the older and newer methods. The former method lay in an agnostic or materialist handling; the latter is the more receptive, less scornfully incredulous, scrutiny of an enquirer, who seeks in modern psychology, as exhibited in many forms of mental alienation, as well as in the constant attitude of ignorant popular wonder, the clues to phenomena which have left so vast a labyrinth of perplexing memories running unbroken through the entire known history of mankind. The enquiry was worthy of a profound historical spirit, the better fitted for the task by previous study of medical science directed to phenomena of insanity and its borderland.

M. de Cauzons' elaborate treatise offers a comprehensive and systematic historical review of the whole of the vast theme. The first volume skims lightly over the origins and antiquity of magic, and sets to its real task in a description of the medieval beliefs in sorcery, the powers of demons and sorcerers, the witch-Sabbath, and the attitude of the Church towards the belief in the various phenomena, including the modes by which the powers of evil could be defeated. The fluctuation of ecclesiastical opinion is illustrated by the early Christian view that the pagan gods were demons, by the later phase under which the trend of authority was towards condemning credulity in sorcery, by the growth of the faith in it during the eleventh and the thirteenth centuries, and by the sustained outburst of persecution of the sixteenth and seventeenth centuries, to which there have succeeded two centuries of humanitarian and rationalistic revulsion and reaction. The Devil of the middle ages was the sum of the powers noxious to man. Rome to-day holds that the Devil can intervene, but that it is grave sin to invoke him, and that most of the alleged forms of his manifestation are either fables or pathogenic illusions.

The second volume attempts to follow magic through its strange course among the Romans, the Jews, and the Gauls, and thereafter throughout France from about the year 1000 down to 1431, when Joan of Arc, as a misbelieving idolater, an invoker of devils, an apostate, schismatic, and heretic, was burnt and her ashes cast into the Seine. The large body of instances from Roman history and the numerous chapters of Roman law against sorcerers as public enemies are enough to demonstrate that the Empire was the transmitting medium of oriental magic and imagination. Features of this book are the painful revival of faith in the devil and his iniquities in the age of the pious King Louis, leading up to the terrible

process of the Templars, whose alleged 'Baphometic' baptism was a type destined to be dominating in later centuries of the sordid and cruel story of witch prosecution. Even thus early the horrible kiss of homage appears in the series of malpractices laid to the charge of the maligned Order. Baptism and homage are, like the distorted confession and mass to the Devil, essentially parodies of the orthodox Christian observances. They are simple perversions, the supplanting of God by the Devil: it is equally the essence of the theory in the latest witch prosecutions. Regarding the Maid, M. de Cauzons' attitude is that of one who tells the story; his task as historian, he elusively declares, does not require him to decide between theories of inspiration of her 'voices,' as to whether she was a spiritualist medium, and whether the voices were objective or subjective.

Volume III. describes the process against the Dominicans of Berne in 1507, and generally the great prosecutions of witches in the sixteenth century, especially those before *trois juges terribles*: (1) Nicolas Remy, 1576-1591, a high authority on Demonolatry and author of a classic work on that theme; (2) Henri Boquet, contemporary of Remy, and, like him, author of a *Discours exécration des sorciers*; and (3) De Lancre, like the other two, not only judge but author. The work of De Lancre, *l'Inconstance des demons*, is drawn upon for a great collection of the evidence disclosed by prosecutions in the region round Bayonne and Bordeaux. That Protestantism favoured the beliefs which culminated in persecution of wizards and witches is well known, in spite of some noted examples of scepticism in that age. M. de Cauzons has found the chief sceptic, Montaigne, among the Catholics, though others, such as Jean Bodin and Martin Del Rio, are still associated with essential credulity. Among the Protestants, Luther was, of course, notorious for his adherence to the old tenets on demonology, while Melancthon, Jean de Munster, Witekind, and Calvin equally failed to see the higher light and to recognise 'demonopathy' in its true character. What is called the 'grand siècle' unfortunately achieved a sad eminence as the age of witchcraft persecutions. The age of philosophy, which followed, bringing humanity and reason into line, slowly extinguished the fires. In this epoch the clerical antagonism to Freemasonry was a phase—a little difficult to appreciate to-day—of the persistent attribution of its mysteries to satanic auspices. The eighteenth century welcomed ideas of magnetism and somnambulism, the precursors of modern spiritualism, as offering some countenance of scientific system to explanations of phenomena previously regarded as due to diabolic possession.

Volume IV. rounds off the prolonged survey with an examination of contemporary magic, tracing the transformations of opinion from magnetism to neurotic telepathy as the causes of phenomena, and finally summing up the modern standpoint in the doctrine that the friends of the Devil have lost a little ground in our day in consequence of the study of nervous and mental maladies. But how grimly the old positions are still held is evinced in every circle of civilization by thousandfold survivals of the marvellous in the folk-creed and in the vagaries of faith-healing and its analogues.

Standpoint and temperament necessarily affect the judgment to be passed on M. de Cauzons' tendencies of thought. He did not start, as one would

have expected, from Professor Frazer's *Golden Bough*, of which he has made virtually no use. The present reviewer cannot conceal his view that M. de Cauzons' opinions are too indefinite, that they lack firmness and boldness, and leave the author open to the imputation of admitting possible credibility at continually recurring points when the day for indefiniteness has long gone past. His zeal to preserve the open mind at any hazard concedes far more than the most moderate rationalism could patiently tolerate. It is difficult, however, to fathom his individual conclusion, and perhaps the rationalist would too hastily foreclose some forms of the question. But as regards the workmanship of these volumes, it is not difficult to determine that in at least one vital respect they fall short not only of the range of scholarship displayed by Professor Frazer or by the late Professor Lecky, but also of the wonderful variety and profundity of the late Henry Charles Lea's studies of witchcraft in his various works on the Inquisition. Mr. Lea's contributions were based on direct first-hand documentary authority, and on rare contemporary texts in print. M. de Cauzons' citations are chiefly from the works of generalization, and are rarely primary: his survey, valuable as it is, fails in a certain vital want of familiarity with the crude material. He is no master of the minor *curiosa* of his literature. From this it comes that he seldom shows that actuality in the touch which is distinctive both of Lecky and Lea. The many cases of exposure, the discoveries of fraud, are seldom dwelt on, probably because often there is some controversial dubiety about the detections themselves; yet it is disconcerting to note that on the famous Berne episode the scandal of direct imposition alleged by contemporaries is left in the background.

Yet, after all deduction has been made for deficiencies of method and equipment for a stupendous task of human history, M. de Cauzons' work must be assured a place of a respectable order of service for reference upon numerous types of magic—necromancy, oculomancy, hippomancy, arithmancy, geomancy, and chiromancy; and upon the far prehistoric story of charm and talisman; the practice of *envoûtement* or bewitching by wax effigy; the toad as a familiar demon; the forms of exorcism; and the barbarities of torture and the stake—all presented by the author in great profusion, but, alas, unprovided with any index. One feature, not the least noteworthy of the laborious and deeply interesting book, is the fact that a Scottish reader can scarcely fail to observe how relatively little in the entire volume there is which might not have been written of Scottish witchcraft. In our continent magic, in its phases of wizardry and witchcraft, was only in very slight degree local in its characteristics; it was a European creed. Hence M. de Cauzons, who does not mention Burns, has nevertheless in his exposition written what some Burns scholar may some day discover to be the best *apparatus criticus* yet forthcoming for the needed commentary on *Tam o' Shanter*.

GEO. NEILSON.

Poole : Exchequer in the Twelfth Century 313

THE EXCHEQUER IN THE TWELFTH CENTURY. The Ford Lectures for 1911. By Reginald L. Poole, M.A., LL.D. Pp. xi, 195. Demy 8vo. Oxford : Clarendon Press. 1912. 6s. 6d. net.

THE Exchequer, with its methods and machinery and its wonderful wealth of records, lies at the centre of every problem of English life and institutions in the Middle Ages. A full understanding of the *Dialogus de Scaccario* is perhaps the most essential factor in the equipment of the researcher among medieval sources. A treatise of convenient size, embodying the results of recent discussions into the origin and arrangements of the English Exchequer, has been much needed ; and Mr. Lane Poole's business-like volume of less than 200 pages may be accepted, almost without reservation, as adequately filling the gap. The author writes with scholarly reserve and severely excludes all embroideries or matters that are of even doubtful relevancy. Many of his grateful readers will wish that he had allowed himself a somewhat freer hand, for the vigorous compression of his carefully collected material makes it harder to appreciate the full bearings of some of his conclusions. A little more atmosphere surrounding the clearly outlined objects described would help the reader's historic imagination. Mr. Lane Poole, however, keeps to the solid ground of facts, and attempts no flights into the regions of misty speculation.

On the perpetually recurring question as to whether the Exchequer over which Roger of Salisbury presided was of Anglo-Saxon or Norman origin, Mr. Lane Poole has something definite to say. The answer must obviously depend on what is meant by the Exchequer, and the definition is perhaps not so free from doubt as is here assumed. The word Exchequer is used not incorrectly to describe a system of reckoning or audit, an apparatus, a staff of auditors, a room where the audit is conducted, and (in later days) an administrative department, a court of law, and a repository for writs. Then, again, difference of opinion is possible as to the essential features of the apparatus, or of the method of calculating as the case may be. To earlier commentators it has thus seemed possible to maintain that the problem was a complicated one, and that 'the Exchequer' contained both Anglo-Saxon and Norman elements. Mr. Lane Poole brushes aside these complications : for him the Exchequer is primarily a mere apparatus, a table on which calculations are made with counters, and that table is simply a modified *abacus*. It follows that when the *abacus* is shown to have been introduced from Normandy, the origin of the Exchequer is wholly Norman.

There are one or two obscure problems on which, in spite of the admirable thoroughness of his method, Mr. Lane Poole does not appear to have said the last word. He does not give an exhaustive account, for example, of the items that made up the *firma comitatus* ; nor does his analysis of the different methods of reckoning payments at the Exchequer of Receipt seem to probe to the root of the matter. No reference is made in discussing the origin of the phrase 'Pipe Rolls' (p. 150) to a rival theory suggested by Mr. Pike, nor in the commentary on the judicial reforms of 1178 (p. 180) to an opinion of the same authority with which Mr. Lane Poole seems to be substantially in accord. These, however, are trivial matters.

314 Hardy : Roman Laws and Charters

Mr. Lane Poole has put a new and valuable tool into the hands of students of medieval England.

WM. S. McKECHNIE.

ROMAN LAWS AND CHARTERS TRANSLATED, WITH INTRODUCTION AND NOTES. By E. G. Hardy, M.A., D.Litt., Fellow and Tutor of Jesus College, Oxford. Pp. v, 159. Demy 8vo. Oxford: Clarendon Press. 1912. 10s. 6d. net.

LITTLE more than a year ago we noticed favourably Dr. Hardy's *Six Roman Laws*, and expressed the hope that he would soon be able to carry out his expressed intention of presenting a further series of similar documents in an equally attractive and workmanlike dress. He has fulfilled his promise with commendable speed and with characteristic care and thoroughness. The Clarendon Press now publish both sets of selections, paged separately but bound as a single volume. From the fact that the *Monumentum Ancyranum* is not included, we draw the welcome inference that the series is to be still further extended.

Three of the five documents comprised in the new group are municipal charters from Spain. The first of these is a copy, made apparently in Flavian times, of the original charter granted to the *Colonia Genetiva Julia* on its establishment by the dictator, Julius Caesar. Fragmentary as it is, it throws a clear light on some important details of administrative and judicial procedure. The next two documents, the *Lex Salpensana* and the *Lex Malacitana*, are unfortunately also very incomplete. They contain regulations for the municipal government and constitution of the two towns concerned, and they evidently represent what was a stereotyped form of *lex data* in the beginning of Domitian's reign, the period to which they both belong. The two fragments thus supplement one another, and, taken together, they form a valuable contribution to our knowledge of the municipal organisation of the Empire. The young student could hardly have more instructive texts set before him to work upon. The two remaining documents take us back to Claudius, and both are full of interesting points, the last particularly so. It is the famous oration delivered to the Senate by the Emperor on the question of admitting certain Gaulish chiefs to senatorial privileges. A comparison of the actual text of the speech with the account of it given by Tacitus, is illuminating; and here, as elsewhere, Dr. Hardy proves himself a cautious and trustworthy guide. We wish him all success in his further efforts to make a little smoother the road that leads to learning.

GEORGE MACDONALD.

THE FIRST TWELVE CENTURIES OF BRITISH HISTORY. By J. W. Jeudwine, LL.B. Pp. lix, 436. With Maps. Medium 8vo. London: Longmans, Green & Co. 1912. 12s. 6d. net.

ACCORDING to the author, many partial judgments and one-sided views have resulted from the failure to perceive the essential unity of British history. The stories of England, Scotland, Ireland, and Wales have many points in common, and the similarities are great enough not only to justify,

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but to demand, their treatment as a connected whole. Mr. Jeudwine is of opinion that many historians have continued to view their subject 'through the spectacles of the twelfth-century English Benedictines' (Intro. xlv), and he proposes to correct this limited outlook by the citation of other authorities, notably the Irish Annals and the Norse Sagas.

The idea is daring, but the author has not succeeded in developing it successfully. He does not produce arguments of sufficient weight to justify his main thesis. Even according to himself the principal points overlooked by the monastic chroniclers are the magnitude and reality of the Norse attack and the prevalence of 'tribal' organisation; surely a common subjection to the assaults of the Vikings, and a common 'tribal' system, can hardly be made the groundwork of a connected treatment of the British Isles. On such a basis, one might set out to write a history of the greater part of Europe, with portions of America and Asia. And in any case the 'tribe' on which Mr. Jeudwine lays such stress is (as he notices himself, p. 250) a quantity which varies with time and place. The author usually speaks of the 'tribe' as expressing personal relationship mainly; he says little of the process by which territorial proximity supplanted the tie of the kin, and accepts without comment the idea of joint ownership and frequent redivision of land (p. 226). His tendency is to treat as 'tribal' in a primitive sense a society which had passed beyond that stage, and to ignore the differences in development which soon presented themselves.

The case for a connected treatment, then, is hardly made out, and the author makes no attempt to meet the obvious objection of racial distinction. Indeed, he dismisses out of hand all ethnological questions prior to the ninth century (p. 34 n.), but he hazards the conjecture (p. 23) that the Scots were Scandinavian in origin. Such a thesis as that of Mr. Jeudwine is very difficult to handle. It requires an expert knowledge of the histories of at least six different countries, and this the author does not possess. He has studied the original authorities, but his introductory chapter does not inspire confidence. He has used the 'Rolls Series' and 'Bohn's Antiquarian Library'; but, except as regards the Sagas, little attempt has been made to bring the authorities up to date. There is no mention of Plummer's edition of 'The Chronicle,' for example, and Saxo Grammaticus and Adam of Bremen are quoted at second-hand. But it is not only in his choice of sources that the author is at fault; such as they are he has treated them honestly, but his critical apparatus is defective. He is apparently unaware of all the work already done upon the very authorities which he uses, and one seeks in vain for any reference to Zimmer, Liebermann, Maitland, or Professor Vinogradoff.

The result is inevitable; a few old stories have been successfully exploded, but many others have been accepted as sober history. The author repeatedly recounts as actual events incidents which belong to recognised 'Saga-formulae.' Apart from such errors of judgment, there are numerous mistakes in fact, especially as regards Scottish history. The appendices are not fortunate. One contains an inaccurate version of Alfred's treaty with Guthrum. This is still dated 878, though more than fifty years ago Dr. Reinhold Schmid proved it to be an arrangement made

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in 885 or thereabouts, and not the famous Peace of Wedmore. Another appendix is devoted to proving (by the author's experience in N. Carolina) the possibility of St. Olaf's feat at London Bridge; no attempt is made to prove that St. Olaf was there at all, the story from the 'Heimskringla' being accepted, despite all its inconsistencies.

The book contains some very interesting reproductions of mediaeval maps, and a few good points are made—the importance of the 'Dane' as a trader is well explained. But, on the whole, a very great deal of honest labour has been expended to comparatively little purpose.

J. D. MACKIE.

IN BYWAYS OF SCOTTISH HISTORY. By Louis A. Barbé, B.A., Officier d'Academie. Pp. vii, 371. 8vo. Glasgow: Blackie & Son. 10s. 6d. net.

WE learn from the preface that several of the twenty essays in this volume have appeared in the *Glasgow Herald* and the *Evening Times*. M. Barbé might have avoided some misconception had he stated the time and place of their original appearance. Some of what is now published has been long ago anticipated, and some long ago superseded. The author is quite aware of this, but he does not make it clear. Statements in the paper on *Master Randolph's Fantasia* have been out of date since that poem was printed with Dr. Cranstoun's notes by The Scottish Text Society twenty years ago. M. Barbé should have expressly stated this with particulars. He only makes an obscure allusion to it in a footnote. He plainly owes the bulk of his most important essay to Dr. George Neilson's *Anglicus Caudatus*, published in the *Transactions* of the Glasgow Archaeological Society for 1895, and as a book in 1896. But he makes no mention of that treatise, and he is probably unconscious that the vague statement in his preface that he is indebted to Dr. Neilson 'for several illustrative passages' is inadequate and misleading. Such inadvertencies are apt to shake the interested reader's confidence in M. Barbé's bibliographical methods, notwithstanding the fact that he conscientiously verifies his quotations, and is even sometimes at the superfluous pains to re-translate them.

Passing from such ungrateful regards, it must be said that M. Barbé is an enthusiastic student of Scottish history. He has brought together a good deal of interesting information, some of it valuable, whether or not it be the fruit of original research or the most recent scholarship. The period with which he is chiefly concerned is in the sixteenth and early seventeenth centuries, and for its study he has the advantage that many of the records of its most interesting events and personages are in his native language. Half his papers deal with Queen Mary (the Morton portrait of whom is a frontispiece to the book), with her son, and with her four Maids of Honour of romantic tradition. He points out the mythical character of the Mary Carmichael and Mary Hamilton of the popular ballad. He sometimes accepts the authority of, and again attributes falsehood to, John Knox's *History of the Reformation*. He records two bold resolutions of James VI., to set himself to the 'sorely needed task' of controlling the Scottish clergy, and to employ only such ministers of State as he could

hang. He recalls that in 'The Old Scottish Army' shooting was ordered to be practised every Sunday, golf and football 'cried down' so that every man from twelve to fifty years of age might be trained to arms, and defaulters from drill fined not less than twopence for drink to the punctual attenders.

The 'Long-Tail' Myth is a study of the widespread belief among their French and Scottish enemies that Englishmen had tails. It had its origin in the legend that after S. Augustine's landing in England the people of a certain village mocked the holy man and his followers, fastening to their clothes the tails of ray-fish, or skate; and that, for this sacrilegious outrage, the posterity of these wretches were condemned to be born with tails. In the local dialect these tails were called 'mughel,' their wearers 'mugglings,' and their town 'Mugglington.' This curious tale is traced through many ages, and many variants of locality, personage and circumstance. We are told that the modern map of England knows no Mugglington, and our author cannot indicate its situation. A celebrated chronicler has, however, placed Mugglington, or Muggleton, near Rochester, in Kent, on whose shore S. Augustine landed, and has recorded another event in its history later than the episode of the tails, and perhaps destined to a fame as enduring.

ANDREW MARSHALL.

THE AGRARIAN PROBLEM IN THE SIXTEENTH CENTURY. By R. H. Tawney. Pp. xii, 464. With six Maps in colour. Medium 8vo. London : Longmans, Green & Co. 1912. 9s. net.

THE sixteenth century saw those great changes in English agrarian life which converted a land where the soil was principally worked by small holders, who at the end of the fifteenth century were consolidating and increasing their holdings and sharing the profits of their enterprise, into a country of great landlords, pocketing the proceeds of improvements. Mr. Tawney gives a most interesting account of the state of English rural life at the beginning of this period, of the causes, process, and results of the change, of the attitude of the government towards it, and of its effects on the life of the English peasantry. The enclosures of the sixteenth century were denounced by divines, pamphleteers, and members of Parliament as the cause of agrarian discontent and disturbance and of rural depopulation, while the peasants themselves suffered severely. For, whether they were made to convert land that had been tilled into pasture, or to make small farms into large arable holdings, enclosures very often meant the eviction of those customary tenants who could not show excellent legal reasons for remaining, and they also often involved appropriation of the commons.

The principal causes of the change were the breakdown of the feudal spirit, which had made the number of dependants important; and the introduction of commercialisation into agrarian life by the profit to be found in sheep farming and by the depreciation in the value of money, due to the influx of silver.

The new system may have brought a greater pecuniary return from the soil, but, as Mr. Tawney's imaginary peasant says, 'our wasteful husbandry

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feeds many households where your economical methods would feed few. In our unenclosed village there are few rich, but there are few destitute.'

Mr. Tawney's patient research, and the insight and sympathy with which he treats his subject, make this a memorable and a valuable book.

THEODORA KEITH.

EUSEBIANA: ESSAYS ON THE ECCLESIASTICAL HISTORY OF EUSEBIUS BISHOP OF CAESAREA. By Hugh Jackson Lawlor, D.D. Pp. viii, 303. Demy 8vo. Oxford: Clarendon Press. 1912. 12s. 6d. net.

DR. LAWLOR has done a good service to students in bringing together in this volume a series of Essays, dealing with various questions raised by the *Ecclesiastical History* of Eusebius. We can only note here one or two points in these Essays as illustrating their rich contents, and the light which, both directly and indirectly, they throw upon the early history of the Church. Thus in his opening Essay, which is devoted to 'The Hypomnemata of Hegesippus,' Dr. Lawlor by showing that, with the exception of certain passages in the fifth *Memoir*, these *Memoirs* were primarily designed as an apology for the Faith against unbelievers, rather than as a systematic history, is able to vindicate for Eusebius the proud title of being the 'Father of Church History.' On the other hand, the assigning to Hegesippus of certain statements regarding the Apostle John, cited by Eusebius without direct mention of their author, supplies us with our earliest evidence on such burning questions as the Domitianic date and the Apostolic authorship of the Apocalypse. A needed warning against identifying Montanism wholly with the teaching enforced in Tertullian's tracts is effected by recalling the beginnings of the movement in Phrygia, where "the sect which was commonly known as 'the heresy of the Phrygians' must have included among its members a large number—perhaps the majority—of the Christians of Phrygia" (p. 134). The elaborate examination of the literary genesis and development of Eusebius' great work in the closing Essay leads Dr. Lawlor to the interesting conclusion that it must have been issued in no fewer than four editions, differing in various particulars. These, as has already been stated, are merely indications of what the student may look for in Dr. Lawlor's Essays, but they will have served their purpose if they lead him to make acquaintance for himself with this erudite and scholarly volume.

GEORGE MILLIGAN.

THE ORIGIN OF THE ENGLISH CONSTITUTION. By George Burton Adams, Professor of History in Yale College. Pp. xiv, 378. 8vo. New Haven: Yale University Press. 1912. 10s. net.

PROFESSOR G. B. ADAMS, whose contributions to history are widely appreciated on both sides of the Atlantic, has written a stimulating monograph on the genesis of what he estimates to be the essence of the British Constitution. This essence, in his view, lies in the principle of a limited Monarchy, which is the outcome of an absolute Monarchy established by the Normans in England, and afterwards modified by the action of feudalism, the vital principle of which he finds in 'the feudal contract' between lord

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and vassal. It is to Magna Carta (on the feudal and contractual basis of which he equally insists) that he traces the first effectual application of this contractual conception to the work of limiting the feudal Monarchy. When John granted the Great Charter he recognized the existence of a body of laws to which the Crown must bow, and agreed to accept machinery for enforcing these laws upon a recalcitrant King. This body of laws formed a restraining medium which gradually changed its character in succeeding reigns, as the original feudal nature of the rights in question gave way to a truly national conception of laws, protecting all classes of citizens. One of the most valuable chapters of the book takes the form of a commentary on Magna Carta, which calls for the consideration of future writers on that much-discussed document.

Prof. Adams' argument necessitates a more restricted estimate of the essentials of the Constitution and of the directions of its development than many historians will be ready to concede. In support of the position consistently maintained against Prof. Maitland, Mr. Adams not only refuses to admit the presence of genuine feudal phenomena in England prior to 1066, but is led to reduce to vanishing point the influence of the entire Anglo-Saxon contribution to the later Constitution.

Mr. Adams' important monograph, which can hardly be read without profit either by those who agree or by those who dissent, has a twofold value. In the first place, it is a contribution to Political Science. The author, writing for a generation which, too often, cannot see the wood for the trees, does not shrink from formulating broad philosophical theories of constitutional development, which compel his readers to re-examine accepted estimates, and, if they do not always convince, are likely to strengthen convictions they are unable to shake. His generalizations indeed raise deep problems which cannot here be entered on, as they would require many pages to discuss. The work is valuable in the second place for its searching analysis of a number of documents of crucial importance, and for a penetrating discussion of numerous technical details of medieval procedure. The treatment of Henry I.'s writ regarding the local courts, and of Henry II.'s prohibition of pleas as to land being tried without a royal writ are particularly admirable; a clear exposition, although making no claim to originality, is given of the relations between writs of right and writs *praecipe*; and fresh light is thrown in the course of a courteous refutation of Prof. Maitland's theories, upon the restriction of private war and other limitations of the rights of feudal vassals in England (pp. 186-193). Portions of the text and various appendixes have already appeared in the pages of the *American Historical Review* and elsewhere, but it is matter for congratulation that they have now been brought together and placed at the service of students in their present convenient form.

WM. S. McKECHNIE.

FOUQUIER-TINVILLE, ACCUSATEUR PUBLIC DU TRIBUNAL RÉVOLUTIONNAIRE. Par Alphonse Dunoyer. Pp. 470. Paris : Perrin et C^{ie}. 1913. 5 fr.

BLEUS, BLANCS ET ROUGES. RÉCITS D'HISTOIRE RÉVOLUTIONNAIRE. Par G. Lenotre. Pp. xxiv, 389. Paris : Perrin et C^{ie}. 1912. 5 fr.

BOOKS on the French Revolution and its Napoleonic sequel continue to multiply in unprecedented fashion. M. Dunoyer indicates that the 'Accusateur Public' has already been sufficiently studied in his official capacity, and it is Fouquier's 'procès' which is now specially given in condensed detail with a minimum of comment and argument. The question of Fouquier's guilt is of course raised, but it seems none too decidedly that the Accusateur's plea that he was but the servant of the Committees is set aside, though it is pointed out he overstepped his authority. In other aspects Fouquier remains as incorrupt and passionately consistent as Robespierre himself.

M. Lenotre is well known for his revolutionary studies. In point of style and management of the subject, his volume outshines the other, though he deals with the Revolution in obscurer aspects, as manifested on the rim of the recalcitrant provinces. But it is once more the case of the abuse of a little brief authority, but studied as much from the sufferers' point of view as that of the oppressors'. The section entitled 'Mademoiselle de la Chauvinière' seems something of a misnomer, since the father is more in the 'récit' than the daughter, whose domestic crime, committed in the Imperial period, cannot be organically connected with the father's earlier political divagations. M. Lenotre's narratives (which are highly but commendably 'documented') are all steeped in gloom, saving the last relating to a revolutionary changeling round whom gathered a litigation involving probably more documents than in the Tichborne case.

A. R. COWAN.

PART OF THE OPUS TERTIUM OF ROGER BACON INCLUDING A FRAGMENT NOW PRINTED FOR THE FIRST TIME. Edited by A. G. Little. Pp. xlviii, 92. 8vo. Aberdeen : University Press. 1912. 10s. 6d. net.

THIS book forms Volume IV. of the publications of the British Society of Franciscan Studies, and continues the unpublished texts of Roger Bacon's works contained in Volume III. of the same series. In Volume III. Canon H. Rashdall edited the hitherto unprinted *Compendium Studii Theologiae*, and here Mr. A. G. Little rescues from oblivion a previously unknown portion of the *Opus Tertium*. The Introduction contains a critical discussion of the question whether the newly discovered fragment fits on immediately to the end of the fragment printed by Professor Brewer. This is followed by a Summary of the contents of the book. The manuscript containing the fragment now printed is preserved among the MSS. of Winchester College Library (Winchester College MS. 39), and dates from the middle of the fifteenth century. In view of the celebration next year of the seventh centenary of Roger Bacon's birth, Mr. Little has per-

formed an opportune service by his erudite editing of this portion of the *Opus Tertium*.

On page xviii of his Introduction the editor represents Roger Bacon as saying, with reference to the works of geometry, arithmetic and music, that 'in them is nothing magical in reality but only in appearance.' On turning to the text we find that the actual words are—'et ibi nichil secundum veritatem est magicum, nec secundum apparentiam.'

The publication is proof in itself that interest in the work 'of the greatest champion of experimental science in the Middle Ages' is increasing, as it is bound to do, when the modernity of many of his researches and views becomes known.

JOHN EDWARDS.

THE JOURNAL OF JOHN STEVENS, CONTAINING A BRIEF ACCOUNT OF THE WAR IN IRELAND, 1689-1691. Edited by the Rev. Robert H. Murray, Litt.D. Pp. lxiii, 241. With two maps. Med. 8vo. Clarendon Press. 1912.

DR. MURRAY has produced a very careful edition of John Stevens' *Journal*, which is a useful authority for the War in Ireland during the troublous times of the Revolution. The narrative, which begins with King James' escape from Rochester, concludes very abruptly in the middle of an account of the battle of Aughrim; for the intervening two and a half years it is, though it was evidently written up at a later period, the diary of a faithful eyewitness. The present editor has furnished an excellent introduction, which, besides emphasising the salient points brought out by the *Journal*, contains a biography of the author, and a section upon the main authorities for the period. Copious notes form a valuable commentary upon the text, and a full bibliography completes a scholarly piece of work.

The *Journal* itself, with its egotistical accounts of campaigns and battles, its list of places visited and miles marched, its moralising over victory and defeat, at once invites comparison with the many other records compiled by seventeenth-century soldiers. From these, however, it differs in one obvious particular—Stevens, despite previous experience in Portugal, seems to have remained in military matters somewhat of an amateur. Courage in action he did not lack (p. 209), but he is constantly complaining of hunger, sore feet, and bad quarters. One of his grumbles (p. 116) reveals the curious fact that a marching army was usually brought into line even when halted for a brief rest. It was exceptional to allow troops to halt in column on the road.

The *Journal* then is not the work of a professional soldier, but of an amateur who naturally did not know the exact plans of the generals at the time, and who does not seem to have examined them very carefully afterwards. The narrative is, in consequence, at times surprisingly vague in its accounts of campaigns, the more that Stevens prided himself on describing only that which he had himself seen.

On the other hand it is, in its general effect, very instructive, revealing, as it does, the hopelessness of the Jacobite cause. Some of the pessimism is doubtless due to the fact that Stevens wrote after the event, but the

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evidence for dissension and bad organisation seems complete, while the frequent mention of false alarms proves that the whole army was in a state of 'nerves' all along. But the editor might perhaps have pointed out that many of the 'Williamites' were by no means confident of the result. The mortality in the English camp during the campaign of 1689 was appalling (p. 96 n.), and the French victory off Beachy Head rendered William's position in Ireland most precarious. Scotsmen will find rather odd the reference to 'Lord' Dundee (p. 207 n.), and it is perhaps worth while remarking that 'Dumbarton's Regiment' (p. 118 and n.) was the famous corps which, under the title of the Royal Scots, became the first regiment of the Line.

J. D. MACKIE.

PAUL THE FIRST OF RUSSIA, THE SON OF CATHERINE THE GREAT. By K. Waliszewski. Pp. v, 494. With Portrait. 8vo. London: William Heinemann. 1912. 15s. net.

In this book the Polish historian traces in his usual narrative manner the five brief years in which the Emperor Paul tried to undo the work of his mother, the great Catherine II., years which were regarded as years of terror by the higher classes of his subjects. His despotism, which aimed at being benevolent, became unbearable, owing to the feeling of uncertainty it caused among the nobles living under fear of immediate and sudden banishment, and led to the murder of the Emperor by a court *camarilla*. The changing foreign policy of the Tsar and his vacillations in regard to Napoleon are well considered, and his relations with his wife, Mlle. Nelidoff, and Princess Gagarine, accurately narrated. A considerable portion of the book is taken up with the question whether Paul was mad or not. Kept within due bounds during his mother's life, few suspected his madness till he came to the throne, but it would seem that his Absolutism and extraordinary conflicting orders prove him to have become mad before the end of his reign.

The author is interesting on the subject of the position of the heir-apparent (Alexander I.). He is cleared of the murder, but not of the conspiracy which led to it, and some letters from his young wife show the terror the Tsar inspired. The account of the murder and the 'one mad moment' in which the Empress-widow thought of following the example of Catherine II. is full of vivid writing.

A. FRANCIS STEUART.

THE LIFE AND TIMES OF CALVIN. By L. Penning. Translated from the Dutch by Rev. B. S. Bermington, B.A. Pp. vi, 392. With Twelve Full Page Plates. Demy 8vo. London: Kegan Paul, Trench, Trübner & Co., Ltd. 1912. 10s. 6d. net.

THIS is not so much a life of Calvin from a historical point of view as a popular sketch of his career from a rabidly Protestant standpoint. The strict despotism the great Reformer established at Geneva is called at one place a 'Protestant Sparta,' yet later this tyranny is styled 'the genial direction' of Calvin. The book admits that Calvin 'desired Servet's death,' but excuses it as being (as it was) 'the error of the age in which Calvin

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lived,' and adds 'that the bearers of the most venerable names in the Protestant world rejoiced' with the comment, and we think this further quotation sufficient : 'It was the Roman Catholic leaven in the Protestant dough.' We cannot commend the English of the translator ; he has no system about names, some being in the English, some in the German form. Nor do we think he should have passed the phrase that John Knox was 'sent to the gallows and sighed in slavery for two years.'

A SERVICE BOOK OF ENGLISH HISTORY FOR THE USE OF SCHOOLS. Vol. I., 597-1603. Edited by Arthur D. Innes, M.A. Pp. viii, 383. With numerous Illustrations. Post 8vo. Cambridge : University Press. 1912. 4s. 6d.

THIS is an excellent illustrated collection of extracts (rendered into English when necessary) illustrating the history of England from Saxon to the last year of Tudor times. The selection is made with great discretion. Bede, the Old English Chronicle, Chaucer, Ordericus Vitalis, Giraldus Cambrensis, the Rolls Series, Hall's Chronicle, *et hoc genus omne*, all figure, and in exactly the right extracts. Scotland is not neglected. The Lanercost Chronicle is drawn on for Wallace's Insurrection ; John Knox supplies many passages, and, as the Editor points out, records two Scottish disasters as victories of the Reformation ; Pitscottie gives the murder of Cardinal Beaton, and from Sir James Melville's Memoirs is his wonderful interview with Queen Elizabeth.

LINGARD'S HISTORY OF ENGLAND. Newly abridged and brought down to the Accession of King George V. by Dom Henry Norbert Birt, O.S.B. Pp. x, 651. With seven Maps. Post 8vo. London : G. Bell & Sons. 1912. 3s. 6d.

ABBOT GASQUET's preface to this excellent little book shows the scope of the abridged history before us. It is intended for the use of schools, and (in a way) to supersede the epitome made in 1854 by Mr. James Burke. The work of the Catholic historian has been re-edited and brought up to date. We have read the chapter on Henry VIII. with especial care, and it is striking to see how wonderfully fair the historian was to all parties in that difficult reign.

THE PERSONALITY OF NAPOLEON. The Lowell Lectures delivered at Boston in February-March, 1912. By J. Holland Rose, Litt.D. Pp. 307. With three Maps and Plans. Crown 8vo. London : G. Bell & Sons. 1912. 5s. net.

THE Lowell lectures have now appeared in book form, and, save for certain irregularities in the French names, make a very pleasing volume. Dr. Holland Rose considers Napoleon's constant reiteration that he was 'the man of Destiny' was more a pose than anything else, for no man was so deliberately calculating. His Italian temperament, however, sometimes made his impetuosity defeat his calculations. The writer fully shows his greatness as a soldier, a law-giver, and as (what he aspired to be) the world-ruler. He condones his divorce from Josephine and excuses his harshness

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to Elizabeth Paterson. He points out that no parvenu has ever advanced his own family more, and that Napoleon did this to his own harm.

It is a valuable study of one of the world's most extraordinary men.

ECONOMIC BEGINNINGS OF THE FAR WEST : HOW WE WON THE LAND BEYOND THE MISSISSIPPI. By Katharine Coman. 2 vols. Vol. I., xix, 418, Vol. II., ix, 450, with many Illustrations. Post 8vo. New York : Macmillan & Co. 1912. 17s. net.

THESE volumes are a well written and excellently illustrated account of how the Far West was settled. The first volume deals with explorers and colonizers, and the second with American settlers. Both are equally interesting, and a work which includes the beginnings of California, with the 'diggings,' and the beginnings of Utah, with the Mormons, as well as Oregon and the North-West, cannot be without incident ; and this book tells what it sets out to tell.

Smuggling in the American Colonies at the Outbreak of the Revolution. By Wm. S. McClellan. (Pp. xx, 105. 8vo. New York : Printed for Department of Political Science of Williams College by Moffat, Yard, & Co. 1912. \$1.00 net.) Is an able essay referring specially to the West Indian trade.

We have received the fourth volume of *The Correspondence of Jonathan Swift, 1727-1733*. (Pp. xvi, 487. With seven Illustrations. Demy 8vo. London : G. Bell & Sons. 1913. 10s. 6d. net.) Dr. Elrington Ball edits this volume with the same care as all its predecessors, and gives in an appendix all the really known facts of the relations between Swift and Stella.

The Maryland Historical Magazine, in its issues for June and September, devotes many pages to a record of Maryland's part in 'the last inter-colonial war,' the French and Indian war of 1753-55, when the American British colonial force was under the command of Governor—and General—Horatio Sharpe, prior to the arrival of General Braddock with a force from Great Britain, which marched to disaster in the valley of the Ohio. Other contents include effusive correspondence of a noted divine, Jonathan Boucher, during his residence in Virginia, 1762-64. There are also land-notes, 1634-55 ; vestry proceedings, 1722-62 ; and memoranda on a Maryland troop, the Home Guard of Frederick at the outbreak of the civil war in 1861. In the vestry proceedings there are given forms of oaths of abjuration, allegiance, and abhorrence. The last declares detestation of 'that damnable Doctrine and Position that Princes excommunicated or deprived by the Pope or any authority of the See of Rome may be Deposed or murdered by their subjects or any other whatsoever.'

Analecta Bollandiana (tom. XXXI., fasc. IV.) has an article trying to clarify the date and circumstances of the journey of St. Francis of Assisi to Syria circa 1219. There is edited an interesting fragment of a late thirteenth century MS. on the translation of St. Hugh of Lincoln. It has the story more fully told elsewhere of Henry I. in a storm and of his prayer, successful through the merits of Hugh.

Communications and Notes

THE EARLY HISTORY OF GALLOWAY. In reviewing the Report of the Royal Commission on Ancient, etc., Monuments of Scotland dealing with Wigtownshire, my esteemed friend, Sir Archibald Lawrie, pays a just tribute to the devotion and acumen with which our secretary, Mr. A. O. Curle, has discharged his task of survey; but Sir Archibald also takes him to task for accepting 'the old, oft-repeated and only half accurate stories of tribes and missionaries, and kings ancient and modern.'

Let Sir Archibald put the saddle on the right horse. It was I, and not Mr. Curle, who wrote the historical sketch forming Part I. of the Introduction to the Report, and in doing so endeavoured to condense into a plausible sketch the *breccia* of legend and chronicle wherein the early history of Galloway is entombed.

Sir Archibald probably is too lenient in pronouncing my sketch to be 'only half accurate.' Relying, as one must in this matter, upon statements chiefly of the *ut dicitur* class, I should be quite content if 50 per cent. of my conclusions could be accepted as trustworthy; but why does my critic charge me with repeating half accurate stories of 'kings ancient and modern'? In dealing with modern kings nothing short of historical accuracy should be condoned; but the latest king referred to in my sketch is Alexander II. (1214-1249).

One gross blunder, at least, I own to. By a schoolboy's *lapsus calami* I have made Tacitus responsible for the tribes Selgovae and Novantae, whom that historian never mentions. It was Ptolemy, of course, writing 70 years after Tacitus, who located them in the south-west of northern Britain, or rather in the north-west, owing to the distortion of his survey, which placed the Mull of Galloway in the position of Cape Wrath.

Another palpable blunder occurs on page xx of my introduction, whereby Alan Lord of Galloway, who is rightly stated at the top of the page to have succeeded Roland in 1199, is made at the bottom of the page to die in the same year. He died in 1234. My attention has been called to a third blunder. William the Lion was taken prisoner in 1174, not 1173 as stated in the text.

As Sir Archibald Lawrie has not mentioned in his review the statements to which he takes specific objection, I have no wish to enter upon speculative controversy; only this I would submit, that nearly all my statements are expressed tentatively. The right of the Galloway Picts to form the advanced guard of the Scottish army in 1138 '*appears*' to have been conferred on them by Kenneth MacAlpin: the Selgovae are referred to as '*probably*' inhabiting the shores of Solway: it is '*uncertain*' how and in what

degree' the Galwegian Picts became subject to Northumbria, and so on. It is difficult to see how terms less dogmatic could have been employed. Almost the only point whereon I ventured to write positively was in differing from Dr. Skene, who founded certain conclusions upon 'the remains of numerous Roman camps and stations which are still to be seen in Galloway' (*Celtic Scotland*, i. 44), and I so ventured because, as may be ascertained from Mr. Curle's survey, such remains existed entirely in the imagination of Dr. Skene's informants.

Monreith.

HERBERT MAXWELL.

A SCOTS DICTIONARY. The time seems to be near when it will be possible to undertake the preparation of a Scots Dictionary on scientific lines. Dr. Macbain's *Gaelic Dictionary* offers the model that might be followed, a book where origins are investigated with the resources of philology. Jamieson's *Scottish Dictionary* was a fine performance for its day; but its historical account of the Anglian dialect and its handling of etymologies left something to be desired even in 1808, the date of the first issue, and must now give way to a fresh statement in harmony with the work that has been done during the last hundred years. The Anglian, or North-English, dialect was spoken over an area stretching from the Humber to Aberdeen, so that one finds, as in Mr. Malham-Dembleby's recent volume of Yorkshire tales and ballads, a remarkable similarity between the vocabulary used in the dales watered by the Ouse and its tributaries and that employed in Burns and in Mr. Murray's *Hamewith*.

Within this large area of Northern Britain influences have been at work tending to separate it into districts, distinguished from each other partly by words endemic in particular regions, these words being enclosed in a vocabulary epidemic in the whole area, partly by peculiarities of pronunciation. Barbour's 'Inglis' in his *Bruce* represents the classical or literary Anglian speech, but not the Aberdeenshire dialect, with its local stigmata.

As regards the first stage in the compilation of a dictionary, the collection of words, an extensive verbarium already exists. Not to mention formal glossaries, like Dr. Metcalfe's recension of Jamieson and Mr. Warrack's *Scots Dialect Dictionary*, there are the invaluable series of word-lists appended to the various volumes issued by the Scottish Text Society—the glossaries to such writers as Allan Ramsay, Fergusson, Burns, Miss Ferrier, Galt, Scott, Wilson, Hogg, Thom, Mr. Charles Murray, etc.—that have been or might easily be compiled, and the splendid collections of words in actual use, but nowhere listed, that are being made by the Scottish Branch of the English Association. Manifestly the first step in the formation of a worthy Scots Dictionary would be the reduction of this wealth of material to order. The alphabetical arrangement of the words and the determination of the authority for them would provide occupation for one group of scholars.

The questions of orthography and pronunciation would prove more troublesome, and here a different type of worker would be necessary. The trained phoneticians would have to be called on, and fortunately Scotland already possesses a small group of these. A good specimen of the kind of help to be got from them is supplied in Mr. William Grant's *Pronunciation of English in Scotland*, published by the Cambridge University Press. Mr.

Grant is lecturer on phonetics in Aberdeen, and as Convener of the Scottish Dialects Committee has done splendid service in guiding the sweeping up of the detritus of the old vernacular, once the classic tongue of Scotland. In his book he treats what he calls Standard Scottish, the speech of the educated middle classes in Scotland, in its three varieties—the oratorical, the careful conversational or reading, and the familiar everyday style. Mr. Grant is aware that in different parts of Scotland this standard speech will reveal local peculiarities, but there is a common stratum underneath the variations. The method he uses with so much skill would have to be pursued with regard to the dialectal variations in, say, Ayrshire, Forfarshire, Aberdeenshire, in order to represent the subject fully for dictionary purposes. On the phoneticians, indeed, there would fall a very heavy burden, but the quality of Mr. Grant's book shows that in Scotland we should have help.

The grammar would offer comparatively few difficulties. Grigor's examination of the Buchan dialect, Murray's investigation of the South-Western speech of Scotland, Gregory Smith's work on Middle Scots, Wright's *Dialect Dictionary* and *Dialect Grammar*, the whole body of grammatical research carried on at home and on the Continent into Old and Middle English and the allied tongues form a broad, firm foundation for the preparation of a grammar of Scots.

One department of the grammatical work—phonology—would give scope for fresh research. In his *Memories of Two Cities* the late Professor Masson doubts whether it is possible to explain the change in the North-Eastern dialect in such words as *spoon*—*speen*, *what*—*fat*, but the first change is undoubtedly Teutonic in its history, and the second is probably Gaelic. English *moon* is Anglo-Saxon *mona*, Gothic *mena*, and the *e*-sound corresponding to the English *oo*-sound is very common in Danish. As regards the *wh-f* change, English *whisk* is Gaelic *fusgan*, *Whithorn* is in Gaelic *Futurna*, and the same change may be noted within Gaelic itself. So the close vowels of Buchan, as contrasted with the open vowels of Ayrshire, answer to the distinction between the two main dialects of Gaelic, the North and the South, the former being marked by close, the latter by open vowels. Again, the strong *r*-sound in Scotland is partly due to Gaelic, and the North-Eastern habit of forming diminutives by adding *ie*, as in 'a peerie wee bit o' a mannikinie,' has been at least helped by Gaelic. When Gaelic words ending in *an* pass into English, the ending becomes *ie*, so that 'Corbie Wallie' need not mean 'the Raven's Well,' but rather 'the well by the cattle-fold' (Gaelic *corban*); so 'Kettybrewster' is 'the broken fold' (Gaelic *brise* and *cuitan*). On the other hand, the cutting off of an initial *w*, as in 'ood for *wood*, 'ouk for *week*, etc., is Scandinavian, and the breaking in such words as *gya* (gave), *gyaun* (going), is a well-known phenomenon in the Teutonic tongues. These examples will show that the investigation of the origins of our vernacular peculiarities is quite a hopeful task.

There remains the matter of etymology—a very ticklish business. Place-names have been examined with capital results by such investigators as Cameron, Henderson, Kennedy, Macbain, Watson, and it is likely that the explanation of Celtic mythology will show more light on this fascinating subject. In his *Celtic Dragon Myth*, the late Dr. Henderson refers to Dr.

Macbain's explanation of Ben Nevis as the hill of the nymph Nebestis, and to the Gaelic name of Aberdeen, *Obair-dhea'oin*, as meaning the estuary of the nymph Devona, which would explain the Aberdeen name Devanha.

In tracing the origin of the main vocabulary of Scots, great help would be got from recent works on Gaelic, Old French, Norse, Dutch, and Anglo-Saxon. In some districts the Gaelic influence is very strong; thus *ablach*, *bourach*, *clossach*, *connach*, *chlyack*, all common in Aberdeenshire, are pure Gaelic. *Chlyack*, the last sheaf cut in harvest, suggests Gaelic *caileag*, girl, for it is also called 'the maiden,' but the true derivation seems to be Gaelic *gleac*, a fight, since the first harvesters to have *chlyack* raised a shout of triumph; Mr. Charles Murray, it is noteworthy, spells the word as *glyack*.

The time is ripe for the patriotic task of making a scientific examination of the vernacular of Scotland. It is a hopeful undertaking, but obviously a large one, and would require the services of a group of workers under competent editors.

A. M. WILLIAMS.

THE WORD 'WHIG.' Having had recently to investigate the early history of the term *Tory*, for the *Oxford English Dictionary*, I have also looked at our material for the word *Whig*. The two words occur often together in quotations after 1679. But I find that for the original Scottish sense of *Whig*, before that date, our materials are very meagre. I know, of course, the quotation from Bishop Burnet, in which *Whig* is stated to be shortened from *Whigamore* or *Whiggamer*, and that from Wodrow, in which it is conjecturally identified with *whig* in the sense of whey or sour milk, both given by Dr. Jamieson—and both needing strict investigation.

But of contemporary uses, I have only one from the *London Gazette*, No. 121, of 1667, stating that 'yesterday we were informed that the Whigs had privately in the night stollen down the heads of 4 of the Rebels that were set up in Glasgow'—I suppose after the Pentland Rising. Then there is the letter printed in the *Lauderdale Papers*, vol. iii., p. 163, dated 1 April, 1679, giving an account of the fight at Lesmahago, in which 'the Whiggs' appear six times.

There must be more references to the Whigs before 1700, and some even before 1667; and I shall be glad if readers of the *Scottish Historical Review* will send us quotations, with exact reference to book or manuscript, for any seventeenth century passages in which *whig*, *whigs*, or *whiggamores* are mentioned. Contemporary passages drawing attention to the name or giving its supposed origin, if any such can be found, will be specially valuable.

For *Tory* in its original sense of an Irish outlaw, living as a brigand or freebooter, there is abundant material, clearly showing the origin of the term; it is much to be desired that the origin and early history of *Whig* could be made equally clear and certain. I hope that every one who can contribute to such a result will kindly communicate with me.

Oxford.

JAMES A. H. MURRAY.

ROBERTSON OF CULTS (Aberdeenshire). In the pedigree of Major Thomas Robertson of Cults about 1690, it is stated that he was the seventh in descent from Struan. Can this be confirmed?

Widmerpool Hall, Nottinghamshire.

G. C. ROBERTSON.

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Some Seventeenth Century Diaries and Memoirs¹

ONE question which every student of the seventeenth century has to consider is the value of Diaries, Autobiographies and Memoirs as materials for the history of that period. For there is no century which is richer in personal memorials of this kind. Those who first wrote its history depended too much on these materials. Clarendon and Burnet were, for a time, too implicitly trusted and their views too readily adopted. A reaction followed. When their accounts of public affairs were tested by other evidence their prejudices, their errors, and the limitations of their knowledge became apparent, and they lost their credit. Memoir writers and autobiographers in general were discredited with them, and the reaction went too far. At present the tendency is to study history too exclusively in State papers, and to disregard unduly the evidence which contemporaries have left us in their written recollections.

My aim is to redress the balance, and to show that sources of this kind supply the historian with evidence which is essential for the understanding of the time, and cannot be obtained from any other sources. Having examined elsewhere the historical value of the greater memoirs,² I shall confine myself here to the lesser,

¹This paper was originally written as part of a course of lectures on the authorities for seventeenth century history.

²Articles on Clarendon's 'History of the Rebellion,' *English Historical Review*, xix. 26, 246, 464; 'Memoirs of Sir Richard Bulstrode,' *ib.* x. 266; Introduction to Clarke and Foxcroft's *Life of Burnet*, 1907; Introductions to the *Life of Colonel Hutchinson*, 1885, the *Lives of the Duke and Duchess of Newcastle*, 1886, and the *Memoirs of Edmund Ludlow*, 1894.

and try briefly to classify them, to characterise them, and to illustrate their value.

I take Diaries, Autobiographies and Memoirs together, because these three varieties of composition are so closely connected that it is difficult to separate them. One naturally and imperceptibly develops into the other. The Diary is the simplest form of which the other two forms seem to be later developments. In the Diary a man sets down for his own eye a record of his daily doings. The Autobiography is a more formal composition, in which a man sets down the events of his life for the information of others—generally for the small circle of his own family. It develops into a Memoir when the man himself ceases to be the centre of the story, and, instead of relating his own fortunes, undertakes to relate what he knew and what he saw of the events of his time for the information of the world in general. Editors and authors alike give these titles indifferently to their productions, yet there is a real distinction between the three things, though the boundaries are not always clearly defined or always observed.

Take first the Diaries. A certain number of them are almost entirely impersonal. The authors are merely compilers and collectors of information about public affairs. Of this nature is Narcissus Luttrell's Diary, which covers the period from 1678 to 1714.¹ Luttrell never mentions himself; he simply jots down information about public affairs gleaned from newspapers, newsletters, and perhaps the gossip of the coffee-houses, and arranges these items in chronological order. Macaulay found it useful, but it is utterly unreadable, however valuable it may be to the historian of the period.

Nehemiah Wallington's Diary, as it is sometimes called, or 'Historical Notices of the Reign of Charles I.,' as the editor terms it, is somewhat similar, but differently arranged. He collected from newspapers and pamphlets accounts of a certain number of events which happened between 1630 and 1646, arranging his extracts for the most part not chronologically but in subjects. Here again the personal element is almost entirely absent, except in a few reflections.²

Whitelocke's Memorials shows how a Diary of this primitive kind might develop into an autobiography or a memoir. The

¹ Six volumes, Oxford, 1857.

² Edited by R. Webb, 1869. Wallington also left an autobiographical record which has never been published, though a few extracts are given in Mr. Webb's preface.

great bulk of it consists of extracts from newspapers and similar sources, sometimes quoted at length, sometimes abridged and summarised. A thin thread of autobiography and personal reminiscences binds the whole collection together, and gives it whatever unity it possesses. The fact is, Whitelocke had written an autobiography which he called *Annals* of his life, full of personal details but containing comparatively little about public affairs. It has never been published, but fragments of it are inserted here and there in the *Memorials*.¹ It seems to me that he intended to work up this earlier autobiography into *Memoirs*, and collected all these miscellaneous notes on public affairs in order to expand his reminiscences into a 'History of my own Time,' which was left unfinished.

Sir John Bramston's *Autobiography* is an example of the reverse process. In the seventy-second year of his age—that is, about the year 1683—feeling himself on the brink of the grave, 'and calling to remembrance the years past, and how he had spent his time,' he took up his pen to recount his recollections. 'That posterity therefore (I mean my own descendants) may know something of my father and myself, besides our names in the pedigree or line of descent, I have set down some things, though few, done by myself, not unworthy, many things by my father worthy both of their knowledge and imitation.'

Bramston lived many years after this, dying in 1700 in the eighty-ninth year of his age. His *Autobiography* becomes therefore, in the latter part of it, a *Diary*, illustrating once more the close connection between the two forms of composition and the impossibility of separating them. It was published by the Camden Society in 1845.

Like Bramston, Sir John Reresby begins the volume styled his *Memoirs* with an account of his family and a sketch of his early life. He was born in 1634, but from 1660, or thereabouts, to his death in 1689, the book takes the form of a *diary* rather than a collection of reminiscences. As it continues the entries become more and more frequent; instead of a note made once a month, or once a fortnight, he gives us the last few months of his life a regular journal of events day by day.

Evelyn's famous *Diary* to some extent resembles Reresby's. He begins like an autobiographer of the ordinary kind with an account of his birth and his family, and a few reminiscences of his youth. In 1631, when he was eleven years old, he tells us 'In

¹ See, for instance, vol. i. pp. 30, 189, ed. 1853.

imitation of what I had seen my father do, I began to observe matters more punctually, which I did use to set down in a blank almanac.' It is evident that from 1641 to 1647, whilst he was travelling abroad, Evelyn kept a full journal of all that he did and saw. The published Diary which we know is apparently a compilation from these entries in almanacs and other memoranda. The MS. from which 'the journal,' as the original editor terms it, was printed by William Bray, consists of a small 4to volume of 700 pages, beginning in 1641 and ending in 1697, and of a smaller book, carrying the narrative down to Feb., 1706, when Evelyn died. It appears to be a selection from his memoranda, made by himself at some later date, rather than an exact reproduction of what he wrote from day to day. But the original is in private hands, and without consulting the MS. it is impossible to be certain how it was put together. It is not such good evidence for dates and other details as the Diary of Pepys.

In another way there is a great difference between these two diarists. Pepys puts down everything; Evelyn selects. Evelyn's Diary deals chiefly with the outer life: that of Pepys records the feelings and ideas of the writer about everything, whether important or trivial. Evelyn's compilation was intended for a limited publicity: as a memorial for his descendants to read. The Diary of Pepys consists of confessions, intended for his own eye, concealed by means of a cipher from those of others.¹

It is this very peculiarity which makes the account of the first ten years of Charles II., contained in the Diary of Pepys, of such incomparable value. It is so careless, spontaneous, and free a record of impressions and incidents that no other diary can approach it in vividness and interest. There is no side of the political, social, and intellectual life of the period upon which it does not supply information of the utmost value. Pepys was interested in everything and records everything. The laborious and capable official who, by industry, ability, and honesty, rose from the lowest post in the Admiralty to be for twenty years its chief administrator had all the tastes of an idler. 'Mighty merry we were till about 11 or 12 at night,' says an entry in his Diary, 'and I did as I love to do, enjoy myself in my pleasure, as being the height of what we take pains for, and can hope for in this world, and therefore to be enjoyed while we are young and capable of these joys' (March 28, 1668). If he had not possessed this temper and held this philosophy, if he had been more wrapped

¹The best edition is that by H. B. Wheatley, 10 vols., 1893-1899.

up in his business, and less open to all the temptations of all pleasures and all vanities, he would have been a better man morally, but his Diary would have been less valuable as an historical authority.

On May 31, 1669, Pepys writes in his Diary, 'Thence to the World's End, a drinking house by the Park, and there merry, and so home late.' There the Diary closes, with only a brief explanation of the causes of its conclusion. 'Thus ends all that I doubt I shall ever be able to do with my own eyes in the keeping of my Journal, I being not able to do it any longer, having done now so long as to undo my eyes almost every time that I take a pen in hand; and therefore whatever comes of it, I must forbear: and therefore resolve from this time forward to have it kept by my people in long-hand, and must therefore be contented to set down no more than is fit for them and all the world to know.'

If Pepys did have a journal in long-hand, written for him by an amanuensis, it seems to have perished. There is a journal of his voyage to Tangiers in 1683, when he went there to superintend its evacuation and the destruction of the harbour works. Though it is not unamusing, it has not the careless frankness of the Diary. His eyesight must have been better, or his optician more skilful, for it is written in short-hand, like the Diary. Perhaps he was more cautious as to what he put down, perhaps age had made him wiser, and he had turned over a new leaf. It is impossible to say, but it is always with a certain shock of surprise and amusement that one finds Evelyn describing our friend in his old age as 'that austere moralist, Mr. Pepys.'

Different in its origin from any of the diaries yet discussed is Swift's Journal to Stella. It covers the critical period of Queen Anne's reign, 1710-1713. Its form is that of a series of some sixty letters written to two ladies, Esther Johnson and her companion Rebecca Dingley, to inform them in Dublin of what he was doing in London. Each letter contains an account of his life in London for a week or a fortnight in the form of a diary of his proceedings each day. For the literary history of the time it is invaluable, and hardly less for the political and the social. We see in its pages Harley and St. John in their hours of ease, and can trace the progress of the split which finally alienated the two Tory leaders from each other. Swift's circle of friends is not so wide as that of Pepys; he does not know the court of Queen Anne as well as Pepys knew that of Charles II.; he has little but hearsay to repeat about the Queen. Yet she too passes over the

stage—going a-hunting in a chaise with one horse, which she drives herself, ‘and drives furiously like Jehu, and is a mighty hunter like Nimrod.’ Swift wrote simply for his two friends as Pepys wrote simply for himself, and there were many autobiographers who wrote merely to tell the story of their lives to their children and grandchildren. But often the motive for writing was more complex; some were inspired to record their experiences by the example of authors they read, and consciously imitated particular literary models.

One evidently derived his inspiration from the romancers—perhaps from Barclay’s *Argenis*, or the old Greek romance of *Theagenes and Chariclea*, perhaps from French or classical models. Born in 1603, Sir Kenelm Digby died on 1665, but the volume published in 1827 as his ‘Private Memoirs’ relates only one episode in his earlier life. He undertook to recount the romance of his own life—his love for Venetia Stanley. ‘I will set down in the best manner I can the beginning, progress, and consummation of that excellent love, which only makes me believe that our pilgrimage in this world is not indifferently laid upon all persons for a curse.’ He sets it down on paper ‘to teach the world anew what it hath long forgotten, the mystery of loving with honour and constancy.’ . . . and to show, by a modern instance, how passion, ‘meeting with heroical souls, produced heroical and worthy effects.’ Throughout his pages, Digby himself masquerades under the name of Theagenes, Venetia Stanley as Stelliana, and other characters bear equally fantastic titles. The book hardly fulfils the promise with which its author sets out; the narrative is involved and circuitous, fact is continually wrapped up in fiction, movement lost in disquisitions and conversations. It is romance, with a realistic basis of autobiography underneath it, but contains little of value either for the social or political historian.

In Lord Herbert of Cherbury’s life of himself, the influence of the romances of chivalry is visible.¹ He had an ancestor, Sir Richard Herbert, who was an ‘incomparable hero.’ At the battle of Banbury in 1469, Sir Richard ‘twice passed through a great army of northern men alone, with his poleaxe in his hand, and returned without any mortal hurt, which is more than is famed of Amadis de Gaul, or the Knight of the Sun.’ Emulating this ancestor, Lord Herbert, in his famous fight in Scotland Yard,

¹ The best edition is that of 1876, edited by Sidney Lee. The life was first published in 1764.

with nothing but a broken sword in his hand, routed Sir John Ayres and four ruffians who assailed him. 'I think,' he says, 'I shall not speak vaingloriously of myself if I say, that no man hath understood the use of his weapon better than I did, or hath more dexterously prevailed himself thereof on all occasions.' His oath as a Knight of the Bath bound him to right 'gentlewomen that shall be wronged in their honour, if they demand assistance,' and for this cause alone he sent four challenges, besides many for other reasons. Many feats of valour he performed in the Low Countries, and at the siege of Juliers, and of some he is silent. 'I could relate divers things of note concerning myself during the siege; but do forbear, lest I should relate too much of vanity.' But he does tell us that Maurice of Nassau, Spinola, and the Duke of Savoy, the three great captains of his day, esteemed and honoured him, that three queens distinguished him by unusual favour, that one great lady kept his miniature in her cabinet, and that another wore it in her bosom. And he does relate 'some things concerning myself, which though they may seem scarce credible yet, before God, are true.' He grew two inches in height when he was middle-aged. 'I had and still have a pulse on the crown of my head.' Further, 'it is well known to those that wait in my chamber, that the shirts, waistcoats, and other garments I wear next my body, are sweet beyond what either easily can be believed or hath been observed in any else—which sometimes also was found to be in my breath above others, before I used to take tobacco.' Moreover, his moral nature was as sweet as his physical: no man was more forgiving when it was compatible with honour; when he was a boy he freely confessed his faults whenever he was charged with them, choosing rather to suffer correction than to stain his mind with telling a lie. 'I can affirm to all the world truly that from my first infancy to this hour I told not willingly anything that was false.' It was natural, therefore, that he should spend his leisure, during his embassy in France, in writing a treatise on the nature of Truth, and on the distinction between probable, possible, and false revelations, and that, having completed it, he should be directed by a sign from heaven to publish it.

The Diary of Sir Henry Slingsby¹ is a complete contrast to Lord Herbert's Autobiography. He was a Yorkshire baronet who had fought for Charles I. during the Civil War, and died for Charles II. on the scaffold in 1658. It is not really a Diary, but

¹ Edited by D. Parsons, 1836.

rather a collection of notes and reflections written down from time to time, and it contains reminiscences of Charles I., a sketch of the campaigns in the north of England, and brief narratives of the battles of Marston Moor and Naseby. These are prefaced by an account of his own life for three or four years before the war began, containing details about his family and his servants, his building and his farming, and common things of daily occurrence. It was not vanity which led him to record things which others might have thought unimportant, but the example of one of his favourite authors. 'I followed,' he says, 'the advice of Michael de Montaigne, to set down in this book such accidents as befall me, not that I make a study of it, but rather a recreation at vacant times, without observing any time, method, or order in my writing.' We might have had some record of Slingsby's military services if he had never read Montaigne, but we should not have had this picture of the life of an English country gentleman.

Foreign literary influence is also visible in the Autobiography of Sir Simonds D'Ewes.¹ He refers more than once in it to the example which he had before him in the life of Thuanus or De Thou, whose *Historia sui Temporis* (1544-1607) appeared in 1620.

'Because I find,' he says, 'that both Josephus and Thuanus, men admirably learned, in the historical narration of their own lives, do largely set down their descents and extractions, I shall in this place shortly discourse of my own,' and so, after thanking God that he is well descended, he devotes twenty pages to his pedigree. Again, because 'Monsieur de Thou doth frequently insert in the books of his life the verses he made,' D'Ewes inserts a number of copies of Greek and Latin verses he wrote whilst he was at school. 'None of them,' he boasts, 'except the Greek Sapphics, were very troublesome or difficult to me.' Fortunately his judicious editor leaves them out. Finally, he inserts amongst the recollections of his boyhood, accounts of a number of public occurrences which happened during that period of his life. 'I have interlaced them with the narration of my own life,' he says, 'in imitation of that unmatched historian, De Thou.'

D'Ewes was born in 1602 and died in 1650, but unluckily his life of himself ends in 1636. It is a very valuable authority upon many different subjects; the account of his education at school,

¹ Edited by J. O. Halliwell, 1845.

at Cambridge, and at the Inns of Court, would alone make it worth reading. But he gives us much besides this. No one represents better the opinion of the average educated Puritan on the religious questions of the day and the political questions so closely connected with them. In his pages we see reflected as in a glass the changes of feeling which the success or failure of the Protestant cause excited amongst his party during the Thirty Years' War. Besides this we have a description of his daily life, of his management of his household, of his domestic felicities and infelicities, of his ideas and his studies. One of the most eager antiquarians in an age when antiquarians were many, he tells us with special satisfaction that it was on Wednesday, Oct. 12, 1631, 'I began my search in that august and rare record called Domesday, in the Tally Office of the Exchequer,' and how much he transcribed from it. And he relates with the same exactness the progress of his various researches in the Tower and elsewhere. With equal particularity he inserts a letter to his wife, 'the only lines I sent her in my wooing time,' to prove his ability in that kind of composition.

Yet another type of mixed Autobiography and Diary is represented by Anthony Wood's life of himself. He compiled two autobiographies—one written in the first person, carrying his story down to March, 1660; another written in the third person, carrying it down to 1672. Besides this he kept a series of journals in the form of notes in a set of interleaved almanacs extending from 1657 to 1695. The autobiography was printed by Hearne in 1730, and in two editions, in 1813 and 1848, by Dr. Bliss. The last edition, by Mr. Andrew Clark, incorporates the journal with the autobiography, and is styled *The Life and Times of Anthony Wood, Related by Himself*.¹ In this way Wood's autobiography has been converted into a Diary again.

The autobiography gives us a vivid picture of the development of Wood's interest in English history and antiquities. It was about 1652 that he was first admitted to read in the Bodleian, 'which he took to be the greatest happiness in his life, and into which he never entered without great veneration.' In 1653 he lighted upon William Burton's *Description of Leicestershire*, Gwillim's *Display of Heraldry*, and similar books on antiquarian subjects to which he felt irresistibly attracted. 'He perceived it was his natural genie and could not avoid it.' His mother and his brother pressed him in vain to take to studies which

¹ Published by the Oxford Historical Society in five volumes, 1891-1900.

paid better, but he turned a deaf ear to them. Yet he 'could never give a reason why he should delight in those studies more than others, so prevalent was nature mixed with a generosity of mind, and a hatred to all that was servile, sneaking, or advantageous for lucre's sake.' Henceforth the real events of his life were not outward accidents, but acquisitions of fresh knowledge as new books or manuscripts fell into his clutches. 'This summer,' he notes in 1656, 'came to Oxon the *Antiquities of Warwickshire*, written by William Dugdale, and adorned with many cuts. This being accounted the best book of its kind that hitherto was made extant, my pen cannot enough describe how A. Wood's tender affections and insatiable desire of knowledge were ravished and melted down by the reading of that book. What with music and rare books that he found in the public library, his life, at this time and after, was a perfect Elysium.'

Wood's book is valuable not only for the portrait of the man and for its innumerable notes on the literary history of the period, but because it gives as vivid a picture of University life in the latter part of the seventeenth century as Pepys does of London life. It is full of little stories which illustrate the social life of the University, and the manners and morals of graduates and undergraduates. Take, for instance, the story of the proctor who fell off his horse and broke his neck, being drunk; or that of 'the handsome maid living in Cat Street,' who being deeply in love with a junior fellow of New College poisoned herself with ratsbane. 'This is mentioned,' says Wood, 'because it made a great wonder that a maid should be in love with such a person as he, who had a curld shagpate, was squint-eyed and purblind, and much deformed with the small pox.' The decay of learning and the corruption of manners are frequently lamented by Wood. It is clear, if we accept his evidence, that the University was better governed in Cromwell's time than it was under the later Stuarts. Multitudes of alehouses, extravagance in apparel, disrespect to seniors and other evil signs marked the decadence of University discipline. He noted the growth of a party he termed 'the bibbing and pot party,' who controlled all the elections and appointed unfit men to University offices because of their social gifts, and set aside sober scholars. Patronage corrupted the colleges. 'Now,' he says in 1671, 'noblemen's sons are created artium magistri for nothing, get fellowships and canonries for nothing, and deprive others more deserving of their bread.'

We possess many other diaries of scholars and antiquaries—

Thoresby, De la Pryme, Dugdale¹—but none throw so much light on the life of the time as Wood's.

There is another class of diaries and autobiographies which should be taken together—viz. the religious autobiographies, of which many examples of every kind exist. In one way their authors resemble the antiquarians—'the moving incident is not their trade'; external events are less important than internal. One of the extremest representatives of this type is Bunyan's *Grace Abounding*, published in 1666. Bunyan had been a soldier, but the external events of his life are so vaguely alluded to that his biographers have been left in doubt whether he served in the King's or the Parliament's army. What concerned him was the civil war within himself, not that which shook England. Instead of battles and marches he related the trials and troubles of his soul, describing every turn in the conflict with the minuteness with which a military historian recounts a campaign, 'till the Lord through Christ did deliver him from all his guilt and terror that lay upon him.'

Many Quakers set down their spiritual experience for the benefit of their brethren, for instance George Fox and Thomas Ellwood. They state their motives for writing with great definiteness:

'That all may know the dealings of the Lord with me, and the various exercises, trials and troubles, through which he led me, in order to prepare and fit me for the work, unto which he had appointed me; and may thereby be drawn to admire and glorify his infinite wisdom and goodness; I think fit (before I proceed to set forth my publick travels in the service of truth) briefly to mention how it was with me in my youth; and how the work of the Lord was begun, and gradually carried on in me, even from my childhood.'²

'Although my station,' says Ellwood, 'not being so eminent either in the church of Christ or in the world as others who have moved in higher orbs, may not afford such considerable remarks as theirs, yet inasmuch as in the course of my travels through this vale of tears I have passed through various and some uncommon exercises, which the Lord hath been graciously pleased to support me under and conduct me through, I hold it a matter, excusable

¹ *Diary of Ralph Thoresby*, edited by Joseph Hunter, 1830; *Diary of Abraham de la Pryme*, Surtees Society, 1870; *Life, Diary and Correspondence of Sir W. Dugdale*, edited by William Hamper, 1820.

² The first edition of *Fox's Journal* was published in 1694. The original text, edited by Norman Penney, was published by the Cambridge University Press in 1911.

at least, if not commendable, to give the world some little account of my life.'¹

The lives of master and disciple supplement each other. Fox begins, like Bunyan, with the record of his spiritual troubles. 'I was often under great temptations: I fasted much and walked abroad in solitary places many days, and often took my Bible and went and sat in hollow trees and lonesome places till night came on; and frequently, in the night, walked mournfully about by myself; for I was a man of sorrows in the times of the first workings of the Lord in me.' Then it became clear to him that he was charged to preach certain truths, and he went about preaching them, and became familiar with every kind of physical suffering. He was beaten and imprisoned, and bore all with cheerful pertinacity. 'Here is my hair, here is my cheek, here is my back,' he would sometimes say to those who threatened him; at other times something in his look stopped those who sought his life, and pistols levelled at him missed fire or knives were dropped. 'Do not pierce me so with thy eyes,' said one man to him. Everywhere Fox argued as well as preached, argued with preachers of every kind—Presbyterians, Baptists, Ranters, parsons, and also with officers and magistrates. He began by going into churches and saying, 'Come down thou deceiver,' to the preacher; afterwards, his disputations were more orderly. Everywhere the result was the same: the antagonist was vanquished; 'His mouth was soon stopped,' or 'He could not open his mouth' are the usual phrases. Of one adversary he says, 'His face swelled and was red like a turkey; his lips moved and he mumbled something; the people thought he would have fallen down.' So Fox travelled all over England, and wherever he came 'priests and professors,' that is orthodox Puritan ministers and their flocks, trembled at his preaching. 'It shook the earthly and airy spirit in which they held their profession of religion and worship, so that it was a dreadful thing to them when it was told them 'The man in leather breeches is come.'

Ellwood, on the other hand, had no touch of the prophet about him. In his childhood he tells us he was 'waggish' and 'full of spirits' ('few boys in the school wore out more birch than I'); at the moment when his autobiography begins he was a very sober, well-conducted young man of eighteen or nineteen. The preaching of the Quakers cast a spell over him; with quiet fervour and

¹ *The History of the Life of Thomas Ellwood* was first published in 1714. The most convenient is that by Henry Morley in 1885.

invincible patience he began to put in practice the principles they taught. First he came into collision with his father, who objected to be addressed with 'thee' and 'thou,' and was enraged when his son insisted on wearing his hat at meals. 'Sirrah, if ever I hear you say 'thou' or 'thee' to me again, I'll strike your teeth down your throat,' said Mr. Ellwood. . . . 'If you cannot come to dinner without your hive on your head, take your dinner somewhere else.' Later came more serious troubles—assaults and imprisonments. Ellwood gives an admirable account of life in Bridewell and Newgate. The recollections of the Quakers afford ample materials for the history of prisons in the seventeenth century.

Sometimes in the lives of the Quakers we get glimpses of great men and great events. *Fox's Journal* brings Cromwell before us; in *Ellwood's Life* Milton appears for a moment; the story of a sailor who served under Blake before he was converted supplies us with one of the best accounts of the battle of Santa Cruz. But in general the special merit of the lives of the Quakers is that they introduce us to a wider circle than the memoirs of courtiers and noblemen: all sorts and conditions of men appear in their pages; a picture of the middle classes and the people could be put together from them.

One class was particularly given to writing diaries or autobiographies, namely, the Nonconformist clergy. The early part of Baxter's life of himself is excellent; later the author loses himself in a morass of ecclesiastical controversy which few readers can struggle through.¹ Edmund Calamy's life is also excellent, but a little too much limited by his professional interests.² There are several minor lives, such as those of Adam Martindale³ and Oliver Heywood,⁴ which afford evidence for social history, and not merely materials for the historians of Nonconformity.

There is yet another class of Autobiographies of which something must be said—those written by seventeenth century women. The English women of the seventeenth century did not write long stories about affairs of state in which their personal adventures formed but a small part; they were not like Madame de Motteville or Madame de Boigne. Their memoirs are more purely memoirs of themselves—domestic chronicles, which incidentally

¹ *Reliquiae Baxterianae*, edited by Matthew Sylvester, 1698.

² *A Historical Account of my own Life*, by Edmund Calamy. Edited by J. T. Rutt, 1830.

³ Edited by Richard Parkinson for the Chetham Society in 1845.

⁴ Edited by J. H. Turner, 3 vols. 1882.

throw some light on the time, but aim at narrating their personal history, and are valuable for the picture they give of daily life and the illustrations they afford of contemporary customs and modes of thinking. While some of the ladies are charming, several are very edifying. Alice Thornton's autobiography belongs to the class of religious autobiographies.¹ She begins by saying that it is the duty of every true Christian to remember and take notice of all God's gracious acts of providence and merciful dealings with them, and sets down those which have happened to herself. The first section is headed 'Upon my deliverance from a fall when I was three years old, when I cut a great wound in my forehead of above an inch long.' The next is an accident which happened when at the age of four, 'a surfeit by eating some beef which was not well boiled.' She records forty years of her own life in this fashion with appropriate reflections, sometimes supplying some atoms of useful information about household management or country life, but in the main somewhat tedious and unprofitable. Mary Boyle, afterwards Countess of Warwick, is another edifying lady. The chaplain who preached her funeral sermon entitled it *Eureka or the Vertuous Woman Found*. But her autobiography² is much more interesting than Mrs. Thornton's. During the early part of her life she was a mere worldling. Her father, the Earl of Cork, was rich, 'and the report that he could give me a very great fortune made him have for me many very great and considerable offers, both of persons of great birth and fortune; but I still continued to have an aversion to marriage, living so much at my ease that I was unwilling to close with any offered match.' Moreover, her friendship with a Maid of Honour led Mary Boyle into evil ways: 'her having so brought me to be very vain and foolish, enticing me to spend (as she did) my time in seeing and reading plays and romances, and in exquisite and curious dressing.' At last she met Charles Rich, second son to the Earl of Warwick. He became 'a most diligent gallant to me, seeking by a most humble and respectful address to gain my heart.' So she goes on to relate with brevity, and yet with some interesting detail, the story of her courtship and marriage. Mrs. Thornton omits this part of her career: her marriage, it is evident, was a marriage of reason—to be included in a list of providences, because Mr. Thornton was 'a godly sober and discreet person,' but she says much more about her settlement than her courtship.

¹ Surtees Society, 1875.

² Edited by T. Crofton Croker, for the Percy Society, 1848.

Fortunately Mrs. Thornton is exceptional; in the Autobiographies of all the other ladies there is always a place for romance. Anne Murray, afterwards Anne Lady Halkett,¹ was much perplexed by many entanglements, and tells us all about her various wooers. She describes their conversations, their meetings and their partings with precision and picturesqueness.

‘What he said was handsome and short, but much disordered, for he looked as pale as death, and his hands trembled when he took mine to lead me, and with a great sigh he said, ‘If I loved you less, I could say more.’ I told him I could not but think myself much obliged to him for his good opinion of me.’ The course of their love did not run smooth; relations intervened to separate them, and about two years after they first met she suddenly heard he had married someone else. ‘I was alone in my sister’s chamber when I read the letter, and flinging myself down upon her bed I said, ‘Is this the man for whom I have suffered so much? Since he has made himself unworthy my love, he is unworthy of my anger or concern,’ and rising immediately I went out into the next room to my supper, as unconcernedly as if I had never had any interest in him, nor had ever lost it.’

Mrs. Hutchinson, in her life of Col. Hutchinson, relates with similar frankness, but less fulness, how the acquaintance between herself and her husband began. He saw some of her books, and heard how reserved and studious she was, and at last heard a song that she had written which seemed to him to contain ‘something of rationality beyond the customary reach of a she wit.’ When he enquired he heard much of her perfections, but was told ‘she shuns the company of men as the plague.’ This attracted him more than all else, and he was filled with thoughts how he should attain the sight and knowledge of her. At last they met: ‘his heart, being prepossessed with his own fancy, was not free to discern how little there was in her to answer so great an expectation. She was not ugly in a careless riding habit, she had a melancholy negligence both of herself and others, as if she neither affected to please others, nor took notice of anything before her; yet in spite of all her indifferency she was surprised with some unusual liking in her soul when she saw this gentleman.’ Mrs. Hutchinson does not report conversations with her admirer as Anne Murray does, nor describe the various incidents of the wooing. ‘I shall pass by all the little amorous relations, which if I would take the pains to relate would make a

¹ Edited by J. G. Nichols, Camden Society, 1875.

true history of a more handsome management of love than the best romances describe; but these are to be forgotten as the vanities of youth, not worthy of mention among the greater transactions of his life.'

This distinction between 'vanities' and 'great transactions' helps to explain why the men who wrote their own lives say so little of the domestic or sentimental side of them. Ludlow, for instance, in the three volumes he wrote on his career hardly ever mentions his wife. She crops up suddenly in an account of the sale of the Church lands by the Commonwealth 'wherein I employed that portion I had received with my wife.' Clarendon is only a little more communicative about his marriages. 'Mr. Hyde returned again to his studies at the Middle Temple, having it still in his resolution to dedicate himself to the profession of the law, without declining the politer learning, to which his humour and his conversation kept him always very indulgent; and to lay some obligation upon himself to be fixed to that course of life (*i.e.* the law) he inclined to a proposition of marriage, which having no other passion in it than an appetite to a convenient estate, succeeded not.'

About a couple of years later, with the same object of forcing himself to stick to the law 'to call home all straggling and wandering appetites which naturally produce irresolution and inconstancy in the mind, he married a young lady very fair and beautiful.'

The lady died within a year, and three years later the widower married again, partly to please his father and partly because, though he had already begun to practise at the Bar, 'he was not so confident of himself that he should not start aside,' and 'thought it necessary to lay some obligation upon himself.' The remedy was effective: 'from the time of his marriage he laid aside all other thoughts but of his profession.'

These instances will serve to illustrate the difference between the point of view of the men and women of the seventeenth century when they wrote their Diaries and Autobiographies. Englishwomen of that time had a narrower range of interests, and alike by custom and by law their freedom of action was more restricted than it is now. But if they have little to tell us about matters of state we should know very little about matters of the house and domestic life in general without their evidence. They supply the historian with a fresh set of facts; social facts which are as essential to him as political facts. They give him also a new side of life, and new

aspects of characters—both essential to any one who wishes to understand the life of a period and to ‘see it whole.’

All autobiographers have a certain amount of vanity. If they did not think they were in some way remarkable persons they would scarcely take the trouble to record what one of them has styled ‘my trivial life and misfortunes.’ Mrs. Hutchinson tells us that before she was born her mother dreamt she was walking in the garden with her father, and that a star came down into her hand. ‘My father told her her dream signified she should have a daughter of some extraordinary eminence.’ The Duchess of Newcastle frankly admits her own vanity, nearly as often as she displays it. ‘But I hope,’ she concludes, ‘my readers will not think me vain for writing my own life, since there have been many that have done the like, as Cæsar, Ovid and many more, both men and women, and I know no reason I may not do it as well as they : but I verily believe some censuring readers will scornfully say, why hath this lady writ her own life ? since none cares to know whose daughter she was, or whose wife she is, or how she was bred, or what fortunes she had, or how she loved, or what humour or disposition she was of. I answer that it is true, ’tis to no purpose to the readers, but it is to the authoress, because I write it for my own sake not theirs.’

The excuse is good. Those autobiographies are most valuable for historical purposes in which the authors describe themselves, not those in which they relate public affairs. Types of character are indispensable to the historian as facts : it is not enough for him to know when such and such a thing took place ; he must also understand what manner of men they were who did the things recorded. Appreciation of the characters of the men of a particular period helps to appreciate their motives and to explain their actions. Therefore the value of an autobiography does not depend upon the extent to which its author was concerned in great affairs. The more it deals with such affairs the more treacherous it is as historical evidence. For the natural vanity which leads the author to record his own life leads him to overestimate his influence on affairs, and a foible which is harmless when he is dealing with domestic matters becomes dangerous when it tends to confuse the causes of public events or to misrepresent the motives of statesmen.

It is this foible which Swift attacks in Burnet’s *History of My Own Time*. ‘His vanity,’ says Swift, ‘runs intolerably through the whole book, affecting to have been of consequence at 19 years

old, and while he was a little Scotch parson of 40 pounds a year.' In order to ridicule Burnet and similar writers Swift wrote the *Memoirs of P. P. Clerk of this Parish*. The satirical advertisement prefixed explains its purpose. 'The original of the following extraordinary treatise consisted of 2 large volumes in folio, which might justly be entitled 'The importance of a man to himself'; but as it can be of very little use to anybody besides, I have contented myself to give only this short abstract of it, as a taste of the true spirit of modern memoir writers' (*Works*, viii. 168).

C. H. FIRTH.

Four Representative Documents of Scottish History¹

THERE are two ways in which we can measure the course a nation has run from its emergence into history. We may trace its course in the material imprints it has left behind it in the land where it has had its habitation. When we think of the monastic huts of St. Columba, composed of wattles and clay, and of the magnificent ecclesiastical edifices which arose in the reign of David I., we have brought home to us with the vividness of picture the length the nation had come during the intervening centuries. In the contrast between a modern Clyde steamer and the skiff made of wickerwork which brought St. Columba from Ireland to Iona, we have a commentary on the development of a nation's life which appeals to every mind. So, if we look at the framework of society in the successive periods of the national history ; if we compare, for example, the social order as it existed in the reign of David I. with the social order of to-day, we take in with all fulness what progress means.

The development of a nation, as indicated by these palpable reminders, lies patent before us on the page of history. But there is another way of regarding the national development which is not so visibly evident, which is apt to be overlooked, and which, nevertheless, is of greater moment, as revealing the deepest springs of national life. What were the conceptions of man's relations to his fellows, to life itself, to the general scheme of things, which dominated the mind of the nation at the different periods of its history ? It is only with these conceptions in our minds that we can adequately interpret the outward and visible signs of a nation's life at any given period. Behind the social order, behind the forms of government, which meet our eye, these conceptions are the impelling and directing forces that brought them to birth. They inspire and regulate the policies of

¹ Opening Lecture to the Class of Ancient (Scottish) History in the University of Edinburgh, 9th October, 1912.

statesmen ; they make what is called public opinion, and they determine the ideals to be found in all art and literature. 'Our culture,' as Emerson says, 'is the predominance of an idea which draws after it the whole train of cities or institutions.' In the study of any period of history, therefore, the primary condition for the understanding of it is an acquaintance with the mental attitude of the community to those ultimate questions which men have continued to ask from the beginning. It is by their respective attitudes towards these questions that one age is essentially distinguished from another. In the history of Christian Europe we distinguish between the early Middle Age, the later Middle Age, and the Modern Age, and we make the distinction because these periods are respectively characterised by the different constructions they have put upon the meaning and aim of the life allotted to man.

If the study of history has any ultimate aim, it must be the interpretation of these fundamental conceptions as they have found expression in the forms of society which men have fashioned for themselves—in the great movements which have implied new departures in the history of humanity. The largest gain we can derive from the study of history is the apprehension of the action and reaction of ideal conceptions and their practical application to the natural needs of everyday life. One of the great masters of history has said that the highest result of its study is the acquired ability to appreciate the differences between times and countries, nations and races. And if Bacon's saying be true that 'histories make men wise,' it must be from this understanding of it that wisdom must come.

But how shall we most directly lay hold of those fundamental conceptions that determine the actions of communities at the different stages of their history? In a mere narrative of what any nation has accomplished we are apt to miss the deepest forces that have impelled it along the course it has followed. We may have the closest acquaintance with its successive forms of government, with its revolutions, with its achievements in arts, with its social conditions at any period of its history, and yet never realise the underlying ideas of which they are the visible expression. We are interested in these things for themselves and take them as ultimate facts while their explanation and real significance escape us.

There is one means at our command which more directly than any other puts us in contact with any age that we may choose to

make our special study. By the period when a people has arrived at self-consciousness (and it is only at this period that it becomes the subject of history in the strict sense of the word) it usually finds expression in some form of literature which embodies what are its animating ideals and aspirations. And in every subsequent period of its history it finds similar expression for its changing conceptions of its own highest interests and of the means by which these interests are most adequately realised. In the case of every historic nation we have a succession of these memorials which are the permanent expression of the deepest thoughts and feelings of the age that produced them. In the case of Scotland we have a series of literary monuments, dating from the beginning of her history, which mark the successive stages of her development with a clearness of definition that enables us to distinguish the one from the other with all desirable precision. Let us look at these successive productions as they appear at the different periods of our national history, noting them only as they represent the deepest convictions and the highest conceptions of the generations that have created the Scottish people as they exist to-day.

For our present object the first of these productions is of special importance, inasmuch as the express intention of its author was to convey to his contemporaries precisely what we are in search of—the highest ideals then conceivable of human life and destiny. It is the *Life of St. Columba* by Adamnan, the first literary whole that directly bears on the history of Scotland. The date of its composition is about the close of the seventh century, and it is the product of that type of Christianity which Columba had brought from Ireland to Iona, thence disseminated throughout the country to the north of the Forth. In the character and action and teaching of Columba were embodied for Adamnan the ideal man in the sight of his fellows and of his Creator. A biography, as we now understand that form of literature, would in Adamnan's eyes, we may imagine, have been a profanation of the sanctity which was the enveloping halo of Columba from the cradle to the grave. What he does present to us is a figure created by the popular imagination during the century that elapsed between the death of the saint and the date when he addressed himself to commemorate him. And what is the type of human character and what the view of the nature of things that Adamnan puts before us as representing the highest conceptions then attainable by man? Columba's pre-eminent claim on our admiration and reverence, according to Adamnan, was the supernatural power which he could wield

at will to effectuate his objects. He owed this power, indeed, to the sanctity which commended him to Heaven, but it is in virtue of his superhuman gifts that he is set before the world as an exemplar of the most exalted humanity. Why Adamnan presented Columba primarily under this aspect, is sufficiently illustrated in such records of the time as have come down to us. The most persuasive means at the Christian missionary's disposal for the conversion of a heathen prince and tribe was to convince them that he could perform more wonderful works than any magician of their own. Loigaire, an Irish king, had the intention of putting St. Patrick to death, but when St. Patrick overcame the Druids in a thaumaturgic competition, Loigaire thought it prudent to come to terms with him. So, as Adamnan records, Columba converted Brude, King of the Picts, and through him his people, by miraculously throwing open the doors of Brude's palace which had been shut in the saint's face. We see, then, the world in which Adamnan and his generation moved. Laws of nature, as we understand them, did not exist. That stones should swim, that water should be converted to wine, that the dead should be raised to life—all of which acts Columba performed—seemed to them no more unnatural than walking or sleeping.

Four centuries of the national history elapse before we meet with another document which, like Adamnan's *Life of St. Columba*, embodies the ideals of the age when it was produced. During these intervening centuries great changes had taken place in the territory to the north of the Tweed. In the days of Adamnan that territory was mainly divided between four peoples, the Angles of Lothian, the Britons of Strathclyde, the Scots of the modern Argyleshire, and the Picts to the north of the Forth—each more or less successfully maintaining their independence of the other. By the date when the period closed, the mainland north of the Tweed was nominally under the rule of one prince—known to history as Malcolm Canmore. During the same period equally revolutionary changes had been effectuated in the Church. Even in the lifetime of Adamnan the Church of his master Columba was threatened by a peril which may explain the tone of plaintiveness which pervades his life of the saint. The Church of Rome had triumphantly entered on the course which was eventually to end in the inbringing of all Christendom to her fold. She had already brought within her jurisdiction all the lands of Western Europe, and by the date when Adamnan reached middle life she had asserted her predominance in the different kingdoms which then

composed the future England. In 664, at the Synod of Whitby, Oswiu, King of Northumbria, identified himself with the Roman Communion, with the immediate result that the clergy of the Irish Church were banished from his dominion. Within little more than half a century, only a few years after Adamnan's death, the Church of Rome had extended her conquest to the north of the Tweed. In 710 Naitan, then King of the Picts to the north of the Forth, followed the example of Oswiu, and expelled the Columban clergy who clung to the teaching of their founder. Seven years later Rome triumphed in Iona itself, the ecclesiastical centre of the Irish Church in Scotland.

At the close of the eleventh century, the period to which our second document belongs, the Church that acknowledged the Bishop of Rome as its head was thus in the ascendant in the territory which we must still call North Britain, and this ascendancy marks a new departure in the national history. Her peoples—we cannot yet designate them a nation—were now definitively brought within the pale of that *unitas catholica*, which had been the goal of the policy of Rome since it had a definite policy, and, as the result of this affiliation, they became an integral part of Christendom, and sharers in its secular and religious development. But for our present object, what we have to note is that the ascendancy of the Roman type of Christianity implied other ideals, other aims of collective endeavour, than those set forth by Adamnan in his life of Columba. What these ideals and aims were, we find enunciated in one of those documents which show us, in Hamlet's words, 'the very body of the time, his form and pressure'—the *Life of St. Margaret*, wife of Malcolm Canmore, composed most probably by her confessor, Turgot, subsequently Bishop of St. Andrews.

Turgot's *Life of St. Margaret* is as remote from a biography in the modern sense as Adamnan's *Life of St. Columba*. It is a character sketch, not the narrative of the events of a life. But, such as it is, it possesses a higher historical value than if it had told us with minutest detail all that had happened to her from the cradle to the grave. For what Turgot has given us is the ideal of a life which, in his conception, should be the exemplar to all such as desired the assurance of the joys of Heaven. When we compare his ideal with that of Adamnan, we realise that we are in another world from that of the community of Iona. It is not only that Adamnan's saint was an apostle and Turgot's a queen, and, therefore, called to different functions. Turgot's conception

of a dedicated life embraces a far wider sphere of rational activities than is suggested in the pages of Adamnan. Specially noteworthy are the different attitudes of the two biographers to the relative importance of miracles as notes of sanctity. 'I leave it to others,' writes Turgot, 'to admire the tokens of miracles which they see elsewhere. I admire much more the works of mercy which I perceived in Margaret; for signs are common to the good and the bad, whereas works of piety and true charity belong to the good only.'¹ But Margaret's activities, as Turgot records them, were not restricted to works of piety and charity; she evidently had a worldly side to her nature on which he might have enlarged had he so chosen. For example, he incidentally mentions that she encouraged intercourse with foreign traders, and specially with those who brought gay garments cut in the latest fashions; she introduced a magnificence into the Court which transformed the royal household; and she persuaded her consort to institute the service of those high officials, selected for their noble birth, who were now attached to the royal person in all the continental Courts. 'All this,' adds Turgot, 'the Queen did, not because the honours of the world delighted her, but because duty compelled her to discharge what the kingly dignity required'; and, in point of fact, these worldly interests were for Turgot only the inevitable distractions from higher concerns which are incident to mortals in every station during their pilgrimage in a sin-stricken world. What he desired to commemorate in Margaret as worthy of all imitation was the example she set of strenuous dutifulness as a daughter of the Church. The passage of Scripture, on which we are told that she 'meditated without ceasing,' was a verse from the Epistle of James: 'What is our life? It is a vapour which appeareth for a little while, and afterwards shall vanish away.'

Here we have the *Weltanschauung*, the conception of the true meaning of life which it was the object of Turgot to inculcate in his sketch of the character of Queen Margaret. And it was the conception that dominated the whole stage of culture covered by what we call the Middle Ages. The true profession of men during their life on earth is that of 'penitents and mourners, watchers, and pilgrims,' and in this profession the Church is their indispensable aider and comforter. When we cast our eyes over the surface of mediaeval society, indeed, we hardly receive the impression that its successive generations were greatly more concerned about their ultimate salvation than those of any other

¹ Forbes-Leith's translation.

period of the world's history. The history of Scotland during the Middle Age is hardly a history of the reign of the saints. Nevertheless, it was this conception of life as 'a vapour which appeareth for a little while,' that underlay the mediaeval society. It is the system of education devised by any community that most adequately expresses the ideals by which it lives. And what was the nature of the educational system devised by the Middle Age for the conservation of the established order? It was in the first and last instance conceived in the interests of the Church—that is, of the institution which was the life and soul of the generations over which it ruled. Instruction was given through the Church and for the Church, and its all-pervading aim was education, not for this world, but for the next. The teachers were churchmen; the subjects taught were prescribed by the Church, and these subjects were expressly chosen in view of the religious life. Thus, the life of Queen Margaret by Turgot may be regarded as marking the beginning of a new stage in the national culture.

So far as Scotland is concerned, the conception of man's destiny set forth in Turgot's book was that by which the nation lived from the eleventh to the sixteenth century when a new vision of human life and its possibilities dawned on Western Europe. In the case of Scotland we have no difficulty in fixing on the document which most distinctively signalises the opening of the new era. In the *First Book of Discipline* are laid down the foundations for the future national life as its authors conceived its highest interests. On the face of it, indeed, the *Book of Discipline* would seem to set forth essentially the same conceptions as those of Turgot. In the view of its authors man's earthly life is a state of probation, and his chief aim should be to assure himself of salvation in the next. For the attainment of this end it was the necessary condition that he should know the truth as it was to be found in the Church as it had now been purified from human error. Here is the opening section of the Book which lays down the scheme of national education. 'Seeing that the office and dutie of the godly magistrate is not only to purge the Church of God from all superstition, and to set it at liberty from bondage of tyrants, but also to provide to the uttermost of his power how it may abide in the same purity to the posterities following, we cannot but freely communicate our judgments with your Honours in this behalf.' We see the primary intention of the authors of the Book when they presented to the civil magistrate their ideal of a system of national education; it was to ensure the conservation of that body

of doctrine which they deemed indispensable for man's right guidance on earth and his salvation hereafter. In presenting their scheme, moreover, they claimed the same power as the Church they had displaced—the power to dictate and regulate public instruction in all its departments and all its degrees. 'Above all things,' Knox wrote in the year of his death, 'preserve the kirk from the bondage of the universities.'

Thus it might seem that in their fundamental conceptions the authors of the *First Book of Discipline* were at one with the Church they had displaced. In point of fact, however, whatever their dogmatic views of the place of religion in life, they could not escape the influences of the age to which they belonged, and on these influences their educational scheme is the significant commentary. The governing fact of the new time had been the decisive emergence of the laity as a power in society and in the body politic. There had been two main causes, as we know, for this appearance of the laity as a factor that had now to be reckoned with in the leading States. The development of the towns in the different countries had produced communities of citizens with intelligence enlarged by their own civic life and by intercourse with other rival communities bent on objects similar to their own. The other cause had been the invention of printing, but for which the religious revolutions effected in the various countries would have been impossible. Previous to the invention of printing, instruction was gained only from persons and places sanctioned by the Church, and it was thus made easy for the ecclesiastical authorities to stamp out heretical opinion wherever it appeared. But when books were scattered broadcast among the peoples, it was no longer in the power of any organisation to suppress the expanding ideas regarding the possibilities of human life which implied the opening of a new page in the world's history. 'As formerly,' wrote a contemporary, 'the apostles of Christianity went forth, so now the disciples of the sacred art (of printing) go forth from Germany into all countries.' Thus, at the date when the Scottish reformers drafted their scheme of national education, they were face to face with conditions which had not existed in the Middle Age. Throughout that age a middle class did not exist; the Church, the king, and the feudal nobility controlled and directed between them all that concerned the main interests of the State. What was now happening in Scotland, however, showed that these conditions no longer obtained; it was by the support of the middle class in the chief towns that the

ancient Church had been overthrown and the new Church put in its place. If the new Church was to maintain its existence, therefore, the class which had been largely instrumental in creating it must be organised, educated, and directed on lines favourable to the Church's permanence. The task before the authors of the *Book of Discipline*, therefore, was the creation of a national system of instruction, which would include every class, and so produce the conditions requisite for the formation of an intelligent public opinion. Such an ideal was incompatible with the very being of the Church of the Middle Ages, and it is in the attempt to realise this ideal that we find all the difference between the age that had gone and the age that had come. It is true that underlying the educational system which is sketched in the Book we have the same conception of human life as 'a vapour which appeareth for a little while,' that dominated the Middle Ages, but, in point of fact, the provisions which it lays down for all classes of the people ensured a secular training for the service of society and the State which in the end was bound to react against the Church itself.

As we know, the scheme of national education sketched in the *First Book of Discipline* was never realised, but by this inner contradiction—the opposition between the theological intention of its authors and the secular developments it involved—the scheme may be regarded as embodying the tendencies of the age that was to follow. What specifically characterised that age—in the case of Scotland extending from the middle of the sixteenth to the close of the seventeenth century—was the gradual substitution of material for religious concerns as the main preoccupation of the different peoples. In England during the seventeenth century secular interests came to override concern for religion and the Church; Holland, the battle-ground of religion in the sixteenth century, became a nation of traders in the seventeenth; during the latter half of the same century Louis XIV. made the Church in France a mere personal convenience, and according to the historians of Germany the secularising process in that country dates from the Peace of Westphalia in 1648 which closed the Thirty Years' War. In the case of Scotland during the same period it is the successive ecclesiastical struggles that are most prominently thrust on our attention, but this is largely due to the fact that the contemporary historians were churchmen whose interests were restricted to the sphere of religion. In the Acts of Parliament and in the Privy Council Register of the period we see another side to the national life. From these records we find that economical questions,

bearing on the material well-being of the country, came more and more to engage the minds of those responsible for its administration. If in the first half of the seventeenth century we have the National Covenant and the Solemn League and Covenant, in the second half we have the Report on Trade presented by the merchants of the country to the Privy Council in 1681—a report which was based upon keen observation of the conditions requisite for a flourishing home and foreign trade.

The period between the Reformation and the Revolution of 1689, therefore, may be regarded as a period of transition during which theological and secular interests were in continuous conflict for the dominant place in the national policy. By the opening of the eighteenth century the result of the conflict was no longer doubtful. If we desire a conclusive proof of the fact, we may find it in the Treaty of Union in 1707 which gave Scotland and England one legislative body. In the framing of that Treaty it was the material interests of both countries that dominated the minds of those who were responsible for it; in the times of the Covenants such a treaty would have been possible only on the condition of religion being its basis.

With the eighteenth century, therefore, we enter on another stage of development in the national history; and for that century, also, we have a document which embodies its conceptions of man and his eternal relations as distinctively as the previous documents we have been considering embody those of the respective ages to which they belong. This document is a book which is assured of permanent interest so long as a Scottish nation endures; it is the *Autobiography of Dr. Alexander Carlyle, Minister of Inveresk*. Unconsciously to himself, Carlyle, in the account he has given of his own life, has interpreted the tendencies, the tone of thought and feeling of his age with an expressiveness which leaves nothing to be desired. As we read his book, we realise that the world and his fellow-mortals are seen by him in lights which in previous centuries of the national history had not dawned on men's eyes. His intellectual attitude and his conception of life's duties and responsibilities are as characteristic of his age as were those of Adamnan and Turgot of the age to which they belonged. And, be it noted, that like Adamnan and Turgot, he also was a cleric. In considering the characteristics of his gospel, therefore, we have a further interesting commentary on the development of the national culture from the earliest stage of which we have the documentary history. What are the distinguishing notes in

Carlyle's book which so eminently mark it as a product of his age?

Carlyle was not a great original thinker who by force of mind and character gives a new direction to traditional currents of thought. The interest that belongs to him lies in the fact that by his natural qualities he represents in discreet moderation the prevailing tendencies of the age in which he lived. Fully to appreciate those tendencies we have to go beyond the limits of Scotland, for it was not in Scotland that they originated. Carlyle's life (he was born in 1722 and died in 1805) corresponded with the period when ideas, which had their birth in the seventeenth century, came to their full fruition in all the countries of Western Europe. It was in France that these ideas had their origin, and it is usual to associate their first decisive appearance with the publication of Descartes' *Discourse on Method* in 1657. In that discourse was pregnantly indicated an attitude of mind which for a century and a half was to determine not only men's speculations, but their habitual tone of feeling regarding matters which specially appeal to the emotions. Descartes' evangel, for such it was in his eyes, and in those of the thinkers who followed him, was the application of reason to human experience in the entire range of its content. It was to the explanation of nature that the new method was applied in the first instance, but in due course it came soon to be applied to man and his history. The particular form of demonstration which commended itself to Descartes and the philosophers of the eighteenth century as the one adequate *organon* was that of mathematical proof, and their preference for this mode of reasoning has a sufficient explanation. It was in the science of astronomy that the most impressive discoveries were made in the seventeenth century; and the two great discoverers, Galileo and Newton, were mathematicians. Before the close of that century we have the *Ethic* of Spinoza, in which the rationale of the universe is set forth in a series of *quasi*-mathematical formulas. In 1734 were published Voltaire's *Letters on the English*, in which he expounded the Newtonian system with such effect that in France, the country with which Scotland was in direct intellectual contact, *Newtonism* became the current designation for the attitude which came to dominate the French mind. 'Is it not amazing,' Horace Walpole wrote in 1764, 'that the most sensible people in France can never help being dominated by sounds and general ideas? Now everybody must be a *géomètre*, now a *philosophe*.'

It is in the designation *philosophe*, as Walpole understood it, that we have the explanation of the characteristics of the class which Carlyle so suggestively represents. For the *philosophe* the whole content of human experience was explicable by reason, and should be controlled by reason. Before the days when man made this discovery, they had been led astray by vague feelings which had engendered the hallucinations responsible for the follies and crimes written so large on the page of history. In the future, guided by the light of reason, humanity would avoid its past errors, and, adjusting itself to the realities of life on earth, fulfil its proper destiny. Here it is that we see the fundamental distinction between Carlyle's attitude towards life and its responsibilities and that expressed in the three previous documents we have been considering. For Adamnan and Turgot and the authors of the *First Book of Discipline* man's life on earth was only a preparation for another; it was a condition to be endured, not to be enjoyed, by him whose thoughts were wisely ordered. For Carlyle, on the other hand, the present life was a good thing in itself and to be made the most of while we have it. He has nowhere given us a precise statement of his theological creed, but from his incidental remarks and the general record of his life we can infer what was his attitude to the mysteries of the Christian faith. In what his editor, Hill Burton, calls a 'characteristic passage,' we have a sufficiently piquant indication of his opinion as to the essentials of religion. He had been requested by an exalted personage to recommend a minister for a church in Berwickshire, and he writes as follows: 'I think it of great consequence to a noble family, especially if they have many children, to have a sensible and superior clergyman settled in their parish. Young is of that stamp, and might be greatly improved in taste, and elegance of mind and manners by a free *entrée* to Lady Douglas.' In these words we have the ideal of the type of religion which under the name of 'Moderatism' dominated Scotland during the greater part of the eighteenth century. It was a type determined by the prevailing intellectual attitude of the age which demanded that all human beliefs should be brought to the bar of reason. Vague aspirations, spiritual raptures, uneasy heartsearchings—these were the vagaries of distempered and half-educated minds. 'It was of great importance,' is a remark of Carlyle's own, 'to discriminate the artificial virtues and vices, formed by ignorance and superstition, from those that are real, lest the continuance of such a bar should have given check to the rising liberality of the young scholars, and prevented those of better

birth or more ingenious minds from entering into the profession' (of the Church).

We see the length we have come in the history of the national development. We have seen in succession the varying ideals of the individual and the collective life as conceived by Adamnan, Turgot, the authors of the *First Book of Discipline*, and a Moderate minister of the eighteenth century. Behind the external history of the successive ages these ideals were the inspiring and determining factors, and only by bearing them in mind can we understand the policies of statesmen, the general drift of events, and the ever-changing adjustments of human society. One comment, consolatory or otherwise, as we may take it, is immediately suggested by what has been said. Each age is under the illusion that its own outlook is final and all-sufficient; Carlyle was as convinced as Adamnan that he saw human conditions under their true light. Yet before Carlyle's death in 1805, men had begun to see other visions than his. Reason was displaced from the throne he assigned to it, and in new forms and in new tendencies those elements of human nature, which he thought it desirable to suppress, asserted themselves with such triumphant force as to mark the beginning of still another stage in man's history.

P. HUME BROWN.

The Trade of Orkney at the End of the Eighteenth Century¹

JUST as the philologist must consider both rules and exceptions to those rules, so it is the duty of the economic historian to turn his attention to the social condition of those parts of a country which, either through geographical or other causes, lie outside the general economic development of that country. In the special case of the British Isles it is only to be expected that the condition of some of the more remote Islands will afford much that is of interest. The isolation of these places tends in itself to conserve old customs ; while, in early times, their trade will be found to have developed along lines which were often determined by the special exigencies of the situation. Before the epoch of steamers, such communities were often completely isolated from the rest of the world during comparatively long periods, and therefore the people were compelled to be self-contained to a considerable extent. At the same time, through various causes, from the days of the Norse rovers, there was much more communication by sea than one would expect ; and, where there was such communication, there must, in times of peace, have been some trade. It is disappointing that, while the economic historian has expectations of valuable information from the social state of the inhabitants of the smaller British Islands, the early commercial history of these places remains almost a blank. And this is the more tantalising since we cannot accept the easy dictum that there was no such history. On the contrary, scattered hints here and there show that in several places during the Middle Ages there was a comparatively high degree of civilization and an extended shipping trade, much beyond what one would have expected. In later times many observers have noted traits of social life and curious customs. These involved economic transactions of a somewhat extensive character, and it is disappointing that these

¹ Read at the Economic History Section of the International Historical Congress. 1913.

rarely obtain more than incidental mention. In such circumstances the discovery of the Letter-Book of a merchant of Orkney,¹ which covers a period of three years towards the close of the eighteenth century, is the more valuable in that it affords a clear picture of the transactions of the time and place. Moreover it reveals a state of trade just at the turning point of a period of transition, and is the more interesting since it provides historical evidence, upon a conveniently small scale, of the working of certain well-known economic laws.

The Orkney group of Islands number 50, of which 30 are inhabited. They are separated from Scotland by the Pentland Firth. The area is 376 square miles, and the population, which was 24,445 in 1801, was returned at 25,897 in 1911. This population is largely of Norse extraction, indeed the fact that, until 1468, Orkney was subject to Norway is essential to an understanding both of its social and economic history. Up to the fifteenth century, its commercial connections were with the countries bordering on the Baltic, and to a less degree with the western Islands as far as the Isle of Man. After the annexation to Scotland, both the interest of the Crown and considerations of general policy would have tended to divert the trade of Orkney from the Continent to Scotland, but internal disputes made it impossible to pursue any fixed policy, and the resort of Dutch fishing vessels to Orkney and Shetland in the sixteenth and seventeenth centuries maintained trading relations with the Continent. In the eighteenth century the growth of commerce with America gave Orkney a considerable importance. In the days of sailing-ships the Pentland Firth was considered dangerous, and therefore vessels, sailing to America by the Northern route, passed to the north of the Orkneys, and most of them touched there on the outward or the homeward voyage, or on both. Thus the Hudson's Bay Company employed young men from Orkney, who joined its ships at Stromness, in 1711.²

In the eighteenth century the chief occupation of the people was agriculture, and it was computed in 1801 that five-sixths of the occupied population was employed in this industry.³ The land in the valleys was fruitful, while that in the higher districts provided excellent pasturage for sheep, which yielded very fine wool.

¹ The Letter-Book of Alexander Logie of Kirkwall. This MS. is in the possession of Mr. G. Cursiter, F.S.A.Scot., Kirkwall.

² *The Great Company*, by Beckles Willson, 1900, i. p. 242.

³ *Scots Magazine*, lxx. p. 249.

Agriculture was burdened by old Norse traditions. Land was held by allodial or udal tenure, subject to 'scat' and tythe. It was divided into ure or ounce lands. Each 'ounce' of land was subdivided into 18 penny lands, and the penny lands again into farthing lands. Cultivation in the eighteenth century was generally in runrig or common field.¹ This system continues to the present day in some of the Islands with reference to pasture and the kelp industry. When the authority of the Scottish Crown was established over Orkney, the tythe and the Norse 'scat' became converted in a rental payable by the Islands. This rental was stated partly in money and partly in kind. The quantities were expressed in measures derived from Norway, such as meils of malt and lispounds of butter and oil. The standard of these weights and measures was the burning economic question in Orkney during the eighteenth century. It was calculated that the Crown rent, when converted into the contemporary equivalents, amounted to 5,000 bolls of grain, 2,680 stones of butter, and 700 gallons of oil. Altogether, in the most favourable years, more than one-half of the surplus produce of the land was exported in kind to meet this rent. In bad years, a money equivalent had to be sent instead, and it was alleged that the ratio taken for conversion was an inequitable one.² Whether it is historically accurate or not to derive the Crown rental of Orkney from the tribute originally due to Norway, it is true that, in the external trade of the Islands, this rent represented, from the point of view of international trade, a position analogous to that of a tribute or indemnity. This fact explains why it was that with a surplus of recorded visible exports over recorded visible imports towards the end of the eighteenth century Orkney remained comparatively poor. The following are the figures :

1770,	-	-	Exports, £12,018	Imports, £10,406
1780,	-	-	„ 23,247	„ 14,011
1790,	-	-	„ 26,598	„ 20,803 ³

The Letter-Book of Alexander Logie reveals the interesting fact that in the last quarter of the eighteenth century the trade of Orkney with Scotland and other places was more nearly a foreign

¹ *General View of the Agriculture of the Orkney Islands*, by J. Shirreff, 1814, pp. 25, 31.

² Shirreff, *General View*, p. 27.

³ *Old Statistical Account*, vii. p. 537. The prevalence of smuggling (as is shown below) resulted in an understatement of the imports.

trade, in the technical sense of the term, than a domestic one. It is true that the direction of its commerce was changing from seeking continental markets; but, at the same time, the irregularity of communication, differences in weights and measures, and varieties as between the customs of the people, made Orkney a distinct economic region or 'nation,' and I hope to explain presently how this gave rise to several interesting and important phenomena in the settlement of the balance of indebtedness.

The chief exports were agricultural products, linen and linen yarn, stockings, kelp (or the ash of sea-weed from which alkali was obtained), fish-oil, calf-skins, quills (for the making of pens), and feathers. The imports were much more numerous and diversified in character. They comprise all those manufactured commodities required for the comforts and luxuries of life. The transactions of Alexander Logie give a minute inventory of a multiplicity of orders from Scotland and England. He was a merchant or general dealer, who kept a shop in which almost any goods in demand in Kirkwall could be procured. The period covered by his Letter-Book extends from April, 1782, to April, 1784. His business was sufficiently extended to enable him to purchase wholesale in English, Scottish, or foreign markets, and he sold the goods either to other Orkney traders, or retail in his own shop. During the two years covered by his Letter-Book his orders may be divided into commodities required for the trade of victualling ships—as, for instance, ships' biscuit, powder, shot; again, materials required either for the building or repair of ships or for carpentry, such as iron bolts, saws, cork, tar, lintseed oil, white lead, glue. Apparently, in spite of smuggling, the local brewing and distilling industry was able to exist, since he frequently orders hops and barley, and he was an early buyer for a new season's crop.

His consignments of articles of dress were numerous, fine cloth for men's coats and ladies' mantles was often bought. Judging by his correspondence, the people in Orkney were particular as to the shape and quality of their hats—whether the 'beavers' of the better classes or the 'bonnets' of the commonalty.¹ The extent and variety of the buttons required shows that there must have been a distinct standard of elegance in dress. Shoe buckles and

¹ Logie writes under date July 12, 1782: 'I want the round hattes pritty large in the rimm, and likewise you'll observe not to put black linings in them, I want the cocked hates of a middle size not too large in the rim, let the hats be off a middle size in the crown neather too bige nor yet too small.'

knee buckles were required in great variety. Snuff-boxes, too, seem to have had a good sale. The list of household furnishings and requisites is a lengthy one, from which the following may be mentioned—pewter goods, earthenware, stoneware, glass, fiddles, books, onions, apples, ginger-bread, flour, candy, knives, and children's toys. Drinking glasses were required in quantities—those 'painted with Admiral Rodney and with a toss' were in special favour.

The handling of goods often involved considerable vicissitudes, as may be gathered from the following adventures of a cask of molasses which Logie had ordered. The ship with the cask reached Stromness, and the barrel was sent in a small boat to Scapa, which is two miles by road from Kirkwall. According to Logie, 'the boat struck on a barr of sand a little way off which made them wait a little till the water rising, they put out the lightest part of the goods by the four boatsmen. The assistant of one of the carters attempted to put out the treacle cask. Not being sensible of her weight—as they tould me—they put rouns round each head of the cask and roulded her to the wall of the boat when they thought to let it slip down in the watter and roull it ashore, but when they found the weight of the cask they were not able to manage it: the rouns brock and the cask fell with a sudden girk to the sand, and, by the fall struck out one of the heads and, the sea being over the cask, before the men could give any assistants, the treacle wase totaly lost, unless about $\frac{1}{2}$ anker that was saved in the bottom of the cask which I ordered to be keeped till further orders, but it is so damaged and mixt with salt watter that I suppose it will be good for nothing.'

Yet another side of Logie's business was the import of flax, which he gave out to his customers, receiving back the linen or yarn in exchange for the goods he sold them. It is to be hoped that he did not participate in a pernicious form of the truck system, by which the linen workers were paid for their spinning and weaving in smuggled spirits and tobacco.¹ Certainly smuggling was rife, and the most extraordinary feature of Logie's Letter-Book is the ingenuousness with which he copies his letters, arranging for the running of cargoes, with full names and particulars. In fact this correspondence shows that he was pathetically eager not to be left out of any venture in which his friends were engaged. For his other transactions he expected at least six

¹ *A Letter to a Gentleman from his Friend in Orkney written in 1757* [by T. Hepburn of Birsay], Edinburgh, 1885, p. 21.

months' credit, and generally twelve months' credit : whereas he seems to have made arrangements by which a consignment of smuggled spirits was paid for either on shipment or at an early date. The following is the first letter of this interesting series :

Mr. Alex. Stewart,

Dear Sir,—Please do me the favour to add to your order from Bergen in Northaway as follows, viz. 3 ankers Geneva, 3 ankers brandy, lbs. 12 Bohea tea, 8 libs. do. Congo and gett the same insured along with your own and the above orders to be at my risk after shipped, which shall be pointedly paid to you according to invoice when the same falls due. In doing the above you will oblige your Humb^{le} Sev^t.

Kirkwall 27 April 1782.

This was a small order,—sometimes as much as 30 ankers of Geneva and other dutiable goods were written for. In most of these letters there is nothing to show that it was intended the goods were to be smuggled, but in a few cases Logie retained copies of his letters to the captains of the ships which are much more explicit. For instance, on 12th February, 1783, he gave orders to a Capt. Boag in the following terms : ‘What you have from Bergen on my acct. please at your return fraught a boat and send it straight to Carness, and if there is any ships in Kirk^{ll} Road that may be suspected to be his majesty's, order it to be sent to Mr. Alex. Slatter in Walker house in Evie.’ Or again, ‘What goods are comed by Boag for us you'll please send it to Kirkwall by very first opportunity as there is no King's vessals on the coast at present, it will be the much safest time to send it without loss of time. Order the men to stop at Carness and run an express to us.’

Logie quite understood the principle of distributing his risk ; as he wrote to one of his correspondents in this trade that he liked to have a small order on every opportunity and was willing to pay cash in demand. He preferred to have his Geneva and Hollands in a foreign bottom, and generally had three times as much in a vessel under a neutral flag as in one under the British flag. There were several distinct sources from which spirits and tea were obtained to be smuggled. In one case the organisation can be traced. Logie's order was sent to Leith—generally by a ship's captain who was in the trade. From Leith a further order was sent to Bergen, where the kegs were shipped. The vessel either

sailed to a northern depôt at the Islands of Evie and North Farr or to a southern one at Carness. Unlike the boat carrying molasses, a smuggler never arrived without being anxiously expected, and adequate arrangements were made for dealing with the cargo.

It will thus be seen that Logie's business was fairly representative of the import trade ; it had also a close connection with the exports. His Letter-Book covers a period when there was a serious scarcity of grain, and so there were no exports of agricultural produce, or at least none which passed through his hands. The kelp manufacture was managed by the landed proprietors, and there is no mention of shipments of kelp in the Letter-Book, this, no doubt, being managed by the factors of the respective estates. As regards other exports, Logie dealt from time to time in all the commodities. Quills, feathers, rabbit skins, and particularly linen. Of the latter he shipped 2,561½ yards, during seven weeks in 1784, besides linen yarn.

Logie's transactions outside Orkney were generally of such a nature that he owed more than was due to him, and it is particularly interesting to observe how the cancellation of the resulting indebtedness developed along the lines of the 'barter-theory' of foreign trade. The following is an analysis of a shipment of this type to Newcastle. Logie sent 1 bag of goose downs weighing 60 lbs., 1 bag of wild fowl [?feathers], weighing 48 lbs., and 56 yards of bleached sheeting linen. The ship's captain was to sell these, and to buy against the proceeds 1 barrel of apples, 1 cwt. of copperas, 20 gros corks, two reams of grey paper, and a parcel of 'new hops of the very best kind.' It was only in small transactions that it was possible to make the exports and imports balance ; and, usually, Logie found himself bound to discharge a balance, representing the excess of his imports over the exports he could send. This he effected by the purchase of Scottish or English bills in the ordinary way—each bill remitted was always copied into the Letter-Book, and it may be guessed that some of them were sent to landed proprietors in payment for kelp from their estates. Owing to the fact that just at this time it was necessary to import grain, and that the Crown rent had to be paid in money in lieu of the produce, which had proved deficient, it is probable that the balance of indebtedness was against Orkney. Accordingly Scottish and English bills were scarce, while there are various indications that his correspondents were not willing to receive bills drawn by Logie. There still remained credit instruments which

were used as bills. These were Navy Tickets originating from allowances made by sailors to their wives or other dependents. These tickets were payable at the Excise Office, Kirkwall; but it frequently happened that the Collector of Excise at Kirkwall had no funds to meet the order and he endorsed the ticket accordingly. It was then changed locally, probably against goods, and so was endorsed by Logie and remitted to his creditor at Leith to be collected at Edinburgh.

The prevalence of smuggling explains the shortage of funds at the Excise Office in Kirkwall; sometimes the Collector had not received a sufficient amount in duties even to pay current wages. This situation was met by the issue of a credit or imprest by the Commissioners at Edinburgh. Since these documents bore the signature of Adam Smith, one of them may be quoted:

Number Seventy-nine.

Gentlemen,—Mr. James Riddock, Collector of the Customs at Kirkwall, not having sufficient money in his hands fore defraying the officers' salaries and other exigencies of that port, we direct the Collector to pay him the sum of One hundred pounds sterling for the purposes above mentioned out of the following branches, viz.: Customs £40, one-third subsidy £20,¹ two-thirds subsidy £40,² and upon his transmitting this order with Mr. Riddock's receipt thereon to the Comptroller Generall, he will have credit for the same and Mr. Riddock will be charged therewith, the Branches above mentioned are to be specified on Mr. Riddock's receipt.

We are Your loving Friends

ADAM SMITH.
BASIL COCHRAN.
JAMES EDGAR.

Custom House
Edinburgh 9th February, 1784.

The Collector at Kirkwall endorsed the order, and Logie obtained it against value paid out. He sent it to a mercantile correspondent at Edinburgh, who was to meet various liabilities

¹ An addition of one-third to the rates of 'New' Subsidy. It was first imposed by 2 & 3 Anne, cap. 9, for a period years, and by 1 George I. cap 8, for ever.

² An addition of two-thirds to the rates of the New and One-Third Subsidies, imposed by 3 & 4 Anne, cap. 5 (*The British Customs*, by Henry Saxby, 1757, pp. 21, 22).

of Logie's for goods sent to Orkney out of the proceeds. The humour of the situation was that the largest of these was one for smuggled spirits. It was a truly Gilbertian situation when the contraband trade kept the Orkney Customs Office so short of ready money that it had to be maintained by credit orders from headquarters, and that these formed a convenient credit instrument for some of the chief smugglers in which to pay for the cargoes of Geneva and Bohea by which the revenue was being defrauded !

Besides bills of exchange and the paper of government departments Logie used another kind of document in discharging his debts in England or Scotland—namely, the notes of some of the chief banks. From this it would appear that trade between Orkney and Great Britain was not wholly conducted on a basis resembling that between distinct economic regions. A closer inspection of the situation shows that Logie used these bank notes simply as bills of exchange. They were sufficiently rare not to be generally acceptable in Orkney, and it may be conjectured that these had been sent as remittances to relatives from members of their families who were employed in Scotland or England. In each case, where Logie remitted a bank note, he not only copies it even to any signature on the back, but he makes an attempt to make a rough drawing of any engraving on the note or even of the impressed duty stamp or seal of a banking company. When the device was of a heraldic nature (as was the case in many bank notes of the period), he surrounded a space of its approximate size and shape by an irregular line, writing across it 'cotarms.' The whole character of this series of entries indicates that the bank note was being used simply as a bill of exchange ; and that, in relation to England and Scotland, at this time, Orkney constituted a distinct economic region, and that there was something resembling an equation of indebtedness on such commerce as there was. Logie's letters show with remarkable precision the manner in which the balance, adverse to Orkney, was settled.

W. R. SCOTT.

Dr. Blacklock's Manuscripts

TO his contemporaries Thomas Blacklock, the blind poet, seemed a figure of considerable importance. David Hume spoke with great respect of his talents, and Samuel Johnson was glad to become personally acquainted with him. In a rare book on 'Living Authors'¹ published in London three years before Blacklock's death, he is allotted almost as much space as his countryman, Robert Burns, and about half as much as the chief English poet of the time, William Cowper. The name of Blacklock is still a household word in Scotland: but he owes his enduring fame, not to his formal verse, which has few admirers now, but to the fact that he was the first literary man of established reputation who recognised the genius of Burns.

Blacklock was born at Annan in 1721. In the third decade of the eighteenth century, as in the days when Carlyle wielded the strap in 'Hinterschlag Gymnasium,' the people of Annan were 'more given to intellectual pursuits than some of their neighbours'; and Blacklock's father and a few friends often read the works of Spenser, Milton, Pope and other poets in the hearing of the blind boy, thus revealing to him a world of enchantment. In 1741 Blacklock was sent to Edinburgh University by an accomplished physician named John Stevenson. Eager to win fame, he ventured in 1746 to publish a volume of verse in Glasgow. An Edinburgh edition followed in 1754, and three London editions in 1756. When about forty years of age, Blacklock was ordained minister of Kirkcudbright, in consequence of a presentation from the Crown obtained for him by Lord Selkirk. But the parishioners refused to receive him, alleging that his blindness rendered him incapable of discharging the duties of his office in a satisfactory manner. After some litigation, he wisely resigned his living and retired to Edinburgh. In 1773 Blacklock, now a D.D. of Aberdeen University, was introduced to Dr. Johnson, who, as Boswell

¹ *Catalogue of Five Hundred Celebrated Authors of Great Britain, now Living.* London, 1788.

records, 'received him with a most humane complacency.' When Burns visited Edinburgh in 1786 'The Doctor' showed him much attention, though the great poet's familiarity of address and habit of speaking his mind 'but fear or shame' proved disconcerting at times.¹ Blacklock had also the good fortune to be able to help Walter Scott, 'that most extraordinary genius of a boy,' as Mrs. Alison Cockburn called him. Long after Dr. Blacklock's death, which occurred in 1791, Scott recalled with gratitude the old man's kindness in opening to him the 'stores of his library.'

Dr. Robert Anderson, in the *Life* prefixed to his edition of Blacklock's Poems, published in 1795, says: 'He' (Blacklock) 'has left some volumes of Sermons in manuscript, as also a Treatise on Morals, both of which it is in contemplation with his friends to publish. It is probable that the most important of his other pieces may be collected and republished on that occasion.' Though the poet's representatives gathered together and arranged his manuscripts, they did not carry out their intention of sending them to a publisher. Probably in 1809, when Blacklock's widow died, the papers came into the possession of Dr. Thomas Tudor Duncan, minister of the New Church, Dumfries, brother of Dr. Henry Duncan of Ruthwell, celebrated as the founder of Savings Banks. Duncan was related to Blacklock, his mother, Ann M'Murdo, being the daughter of the poet's sister, Mary Blacklock, wife of William M'Murdo, merchant, Dumfries.² In 1898 the late Mr. William Robert Duncan, Liverpool, grandson of the Dumfries minister, and consequently great-great-grandson of Mrs. M'Murdo, offered the MSS.—which were bound in ten volumes—to the writer of these pages for presentation to the Mechanics' Institute of Dr. Blacklock's native town. They were, of course, gladly accepted; and they are now preserved in Annan Public Library, where a copy of the London octavo edition of

¹ In a 'Letter' to Elizabeth Scott, poetess, which does not appear to be generally known, Dr. Blacklock says:

'With joy to praise, with freedom blame,
To ca' folk by their Christian name,
To speak his mind, but fear or shame,
Was aye his fashion;
But virtue his eternal flame,
His ruling passion.'

Alonzo and Cora, London, 1801.

² Uncle of Burns's friend, John M'Murdo, father of 'Phyllis the Fair.'

Blacklock's poems, presented to the Mechanics' Institute by Thomas Carlyle, may also be seen.

The collection at Annan affords ample materials for judging of Dr. Blacklock's qualifications as a Christian teacher, for it embraces five volumes of excellent manuscript sermons, on such subjects as 'The Character and Fate of Hypocrisy,' 'The Advantages Arising from a Proper Estimate of Human Life,' and 'The Unsatisfactory Nature of Sublunary Enjoyments,' and also an unpublished treatise of considerable length on 'Practical Ethics'—doubtless the *Treatise on Morals* referred to by Dr. Anderson.

Blacklock reviewed books for various periodicals; and a volume in the collection, entitled '*Letters and Observations on Men, Books, and Manners*, By George Tenant, Farmer in the Lands of Grim Gribber,' consists mainly of copies of his reviews. Among the books noticed in the volume are the 'immortal' *Minstrel* of James Beattie, and *The Cave of Morar*, a poem by John Tait, the Edinburgh lawyer who recovered and printed the version of *Fair Helen* alluded to by Pennant. In an article written early in 1784 there is an uncomplimentary reference to Samuel Johnson. As reported in *The Westminster Magazine*, Dr. Johnson had declared that 'Many men, many women, and many children' might have written Dr. Blair's *Critical Dissertation on the Poems of Ossian*. Forgetting that the great English author had praised the Sermons of Blair with generous warmth—'though the dog was a Scotchman and a Presbyterian'—Blacklock wrote: 'Doctor Johnson will be universally acknowledged to have united a great genius with profound and extensive learning; but these qualities, however eminent, are not only disfigured but almost counterbalanced by his hateful and incorrigible affectation.'

Only three of the Blacklock volumes are devoted to poetry. One of the three consists of an unpublished translation from the French of Mercier, entitled *The Deserter: a Tragedy*; the other two are made up of printed and unprinted poems on many different subjects.

Dr. Blacklock's biographer, Henry Mackenzie, author of *The Man of Feeling*, after mentioning that in 1756 the poet was urged—but urged in vain—to attempt a drama, says: 'At a subsequent period he wrote a tragedy; but upon what subject his relation, from whom I received the intelligence, cannot recollect. The manuscript was put into the hands of Mr. Crosbie,¹ then an

¹ Andrew Crosbie, generally considered the prototype of Pleydell, in *Guy Mannering*. Like Blacklock, he was a native of Dumfriesshire.

eminent advocate at the Bar of Scotland, but has never since been recovered.¹ Evidently Mackenzie's informant could state only one fact relating to the play which had been lent to Crosbie—that it was a tragedy. *The Deserter* is a work of that description; and, though it exhibits Blacklock in the character of translator merely, it may be the composition alluded to by Mackenzie.

Bound up together in one cover are a copy of the 1793 Edition of Blacklock's Poems and some unimportant manuscript pieces. While the last printed page of the volume is numbered 216, the first page of the manuscript part bears the number 377. We may conclude that the poems in writing originally belonged to another volume, and that they were transferred to their present position to supply what the collector of Blacklock's papers considered regrettable omissions in the quarto of 1793.

The volume which has not yet been noticed is richer in interest than any other in the collection. It includes a copy of the first London edition of Blacklock's Works and fifty-three written poems, occupying 380 quarto pages. There is no marking to indicate that any of the 'Manuscript Poems' are to be found in print; but some of them were published by the author himself, and some by Mackenzie. The earliest verses were written in 1745: the latest probably in 1780, when Blacklock was almost sixty years of age. Many of the texts have brief marginal 'notes and explanations,' designed to identify the men and women celebrated in his poetry under fictitious names.

Prominent in the volume is a play called *Seraphina*, a free translation of the *Cenie* of D'Happoncourt de Grafigny. While engaged on this work, Dr. Blacklock, remembering the proceedings in connection with John Home's *Douglas*, had some fear that his occupation might lead him into trouble with the Church. Dr. James Beattie, author of *The Minstrel*, to whose friendly exertions he was indebted for his degree, consoled him by arguing sophistically that not even the persecutors of Home would have held that to translate a drama was on the same footing with composing one. As the poetical merits of *Seraphina* are small, we need not regret that it was allowed to remain in the obscurity of manuscript.

In one of his published pieces Blacklock says:

'I ne'er for satire torture common sense,
Nor show my wit at God's nor man's expense.'

Sometimes, however, he forgot these wise words, and indulged in

¹ *Life and Writings of Dr. Blacklock*, prefaced to *Poems by the late Reverend Dr. Thomas Blacklock*, 1793, p. 8.

the composition of 'libels.' In the volume under consideration there is an unpublished poem assailing Lord Chatham in a fashion worthy of a Grub Street pamphleteer. More real virulence is displayed in some lampoons written on the occasion of the poet's rejection at Kirkcudbright. *Pistapolis*, the most pungent of these Galloway pasquils, has curious notes by the author on the habits and personal history of the men who were chiefly responsible for his 'persecution.' Fortunately for his reputation as an amiable and a sensible man, he successfully resisted the temptation to hand *Pistapolis* to the printers.¹

Not a few of the pieces in manuscript are odes and songs. Among the compositions of the former class is a version of the famous *Ode to Aurora, on Melissa's Birthday*, differing considerably from the version published by Mackenzie. The poem is a tribute to the 'tender assiduity' of the author's wife, who was the daughter of a surgeon of Dumfries, named Joseph Johnston. Several of the Odes are addressed to the heroine of *On Euanthe's Absence*, one of the best known of Blacklock's poems. From the manuscript notes already referred to, it is clear that the 'person called Euanthe'—her real name has been carefully erased—valued the homage of the poet more than the affection of the man, and discarded him for a lover who 'had his sight entire.' Blacklock, in a savage Ode to his *Successful Rival*, which he did not hesitate to publish, calls his first love 'Clarinda,' a name which had for him less sacred associations than 'Euanthe':

'Fool! thus to curse the man, whose every smart
Must pierce thy inmost soul, must wound Clarinda's heart!'

It is pleasant to relate that when advanced in years and established in fame, Blacklock met the idol of his youth again; and that the 'kind old man,' as Sir Walter Scott called him, wrote a few more verses in honour of 'dear Euanthe.'

The manuscript songs in the volume appear all to have been written after the publication of the third London edition of Blacklock's Poems, 1756. Some of them were printed in James Johnson's *The Scots Musical Museum*. Burns says, 'He' (Blacklock), 'as well as I, often gave Johnson verses, trifling enough, perhaps, but they served as a vehicle to the music.' Dr. Blacklock contributed to the *Museum* fourteen songs at least. No copies of those which he wrote late in life, expressly for that work, are to be found among his manuscripts. But there are

¹The satire was published for the first time in *The Scottish Historical Review*, vol. iv. pp. 205-212.

copies of *Cease, cease, my dear friend, to explore; Ye rivers so limpid and clear*,¹ and other lyrics that were published, though not for the first time, by James Johnson.

Dr. Blacklock delighted to compose and dictate to his amanuenses epistles in verse; and the volume before us contains a number of 'letters in rhyme.' When the writer of this article received the Blacklock MSS. from Mr. Duncan, he searched diligently among the various addresses for references to Burns; but his hope of discovering some was not realised. The collection does not embrace any pieces so late as the two rhyming epistles by Blacklock which every admirer of Burns knows by heart. There is a rhyme in the vernacular headed *To the Rev. Mr. Oliver, on Receiving a Collection of Scotch Poems from him*; ² but it seems to have been composed before Dr. Blacklock became acquainted with Burns's verse. Unlike his friend Dr. James Beattie, who informs us that he 'early warned' his son 'against the use of Scottish words, and other similar improprieties,' Blacklock loved the vernacular. A hearty contempt for Anglified Scots is displayed in these lines from the Epistle to Oliver:—

'Frae eard should our bald Gutchers rise,
How would their sauls ilk Oe despise,
Wha southern phrase, a winsome prize,
For their's could barter?
Yet when the ape his English tries
He takes a Tartar.

The daw in peacock's feathers dress'd,
When first he mingles wi the rest,
Wow! but he shaws an ally crest,
And pensy stride!
But soon the birds the fool divest—
Sae comes o' pride!'

Among the poet's manuscript songs and addresses, the present writer discovered a religious piece which especially interested him—the hitherto unpublished original of the Paraphrase, *In life's gay morn*. Though the sixteenth Paraphrase had generally been attributed to Dr. Blacklock, the ascription had not been made

¹ Stenhouse erroneously states that the two songs named were composed by Blacklock 'on purpose for the "Museum".' Both were in print long before Johnson began to compile his work, the first having appeared in *A Collection of Original Poems by the Rev. Mr. Blacklock, and other Scotch Gentlemen*, 1760, and the second in *The Edinburgh Magazine and Review* for 1774.

² The clergyman addressed was probably Stephen Oliver, ordained Minister of Innerleithen, 1755; translated to Maxton, 1776.

with full confidence.¹ The writer was, therefore, glad to be able to advance evidence which substantiated the blind poet's claim. It is unnecessary to give the complete text of Blacklock's poem here ;² but the two stanzas which formed the Paraphrase, or rather the basis of the Paraphrase, may be inserted :

A POEM FROM ECCLES., Chap. xii., Verse 1.

'In life's gay dawn, when sprightly youth
With vital ardour glows,
When beauteous innocence and truth
Their loveliest charms disclose,
Deep on thy spirit's ductile frame,
Ere wholly prepossess'd,
Be thy Creator's glorious name
And character impress'd,

For soon the shades of grief and pain
Shall tinge thy brightest days ;
And poignant ills, a nameless train,
Encompass all thy ways.
Soon shall thy heart the woes of age
In piercing groans deplore ;
And, with sad retrospect, presage
Returns of joy no more !'

It must be admitted that the poem as it left Blacklock's hands is much inferior to the amended version familiar to every old-fashioned Scottish Presbyterian. The emendations were certainly made by some writer of uncommon taste and skill—probably by John Logan or William Cameron. When most of the nineteenth century hymns that are sung in Scottish Churches at the present time have passed into merited oblivion, these beautiful eighteenth century verses will be admired :

'In life's gay morn, when sprightly youth
With vital ardour glows,
And shines, in all the fairest charms
Which beauty can disclose,
Deep on thy soul, before its pow'rs
Are yet by vice enslav'd,
Be thy Creator's glorious name
And character engrav'd.

¹ See MacLagan's *Scottish Paraphrases*, pp. 32-3, and Julian's *Dictionary of Hymnology*, p. 144.

² It is printed in *The Poets of Dumfriesshire*, Glasgow, 1910.

Dr. Blacklock's Manuscripts

For soon the shades of grief shall cloud
The sunshine of thy days ;
And cares, and toils, in endless round,
Encompass all thy ways.
Soon shall thy heart the woes of age
In mournful groans deplore,
And sadly muse on former joys,
That now return no more.

FRANK MILLER.

A Sixteenth Century Rental of Haddington

AMONGST the writs in the charter chest of the Marquess of Tweeddale at Yester there is a small paper book of twelve pages, measuring 12 inches by 4 inches, and endorsed, 'Rental buik of hadingtoun to know ye aikeris of ye provestre of bothanes by it.' This last explains the presence of the record at Yester. In 1592 the kirklands of Bothans were sold to James, Lord Hay of Yester,¹ and with them passed the charters, etc., of the College. Written in a hand of the latter part of the sixteenth century, the record is only a copy, made for the purpose stated above, and a few words are unintelligible. It is undated, but internal evidence proves that the rental must have been compiled about 1560. The names of the following proprietors prove this: Robert Lawson of Humbie, who succeeded his father after 1549 and before 1556,² and Alexander Yule of Garmilton,³ who succeeded after 1530, is mentioned in 1549 and 1561, and was dead before 1573.

The two last entries are mere jottings quite distinct from the rental, and their date, 1507, has nothing to do with the rest.

C. CLELAND HARVEY.

NOTES.

1. Mr. Walter Hay, Provost of Bothans, sold the Kirklands on the 9th May, 1592, to his kinsman, William Hay, who resigned them next day to James, Lord Hay of Yester (*R.M.S.* 6 Sept. 1592).

2. James Lawson of Humbie appears on record in March, 1548-9 (*Ld. High Treas. Accounts*, v. IX. p. 293), and Robert Lawson of Humbie on the 11th Janry. 1555-6 (*Ex. Rolls*, v. XVIII. p. 597).

3. Walter Yule of Garmilton appears on record 23rd Oct. 1508 (*Tweeddale Charters*), Robert Y. of G. 23 May, 1530 (*Memorials of the Earls of Haddington*, II. p. 252), Alexander, 27 May, 1549 (*Swintons of that Ilk*, p. cxx), and 3 Novr. 1561 (*Hist. MSS. Com. Report*, XII. pt. 8, p. 150), and John Yule of Garmilton, 7 Decr. 1573 (*Cal. of Laing Charters*, No. 885).

RENTAL BUIK OF HADINGTOUN.

TO KNOW YE AIKERIS OF YE PROVESTRE OF BOTHANES BY IT.

Heir followis ye rentall of harmonflatt beginnand at ye eist syde.

- | | |
|--|--|
| Item in ye first w ^m homeis aiker and now Jo ⁿ thomesonis aiker and fyve rude and xij fall allowit for ye gall (gait ?) payand of maill be zeir v. sh. | Item Jo ⁿ aytonis aiker and now ar ^d cuitlaris airis payand v sh. |
| Item w ^m reidpethis aiker and now James homeis fyve rude payand of maill be zeir v. sh. | Item ro ^t kirkaldyis aiker and now Jo ⁿ aytonis wyffis v sh. |
| Item ro ^t greinlawis aiker and now Dowglas airis of rawburne payand zeirlie iiij sh. | Item James cokburnis aiker and now hary cokburnis payand vij sh. |
| Item nicolass swintonis aiker and now george batchcattis aiker iiij sh. | Item w ^m wollis aiker and now Jo ⁿ Dowglas baxter payand iiij sh. |
| Item lawrence patrusonis and now to ane gyll (Jle ?) in nor ^t bervik ane aiker iiij sh. | Item w ^m clerkis and now James oliphantis aiker iiij sh. |
| Item w ^m fuirdis aiker and now nicoll swyntonis iiij sh. | Item Jo ⁿ curryis and now ye ane half to Jo ⁿ hainschaw and ye vyir to ro ^t burwnis iij rude and xxviiij fall payand iiij sh. vj d. |
| Item Jo ⁿ of greinlawis aiker and now Jo ⁿ forrestis iiij sh. | Item allane cragis aiker and now ye airis of alex ^r ogilvie iiij sh. |
| Item thomas alesonis wyffis aiker and now of ye Jle of nor ^t bervik payand iiij sh. | Item ro ^t spottiswood and now Johne forrestis aiker v sh. iiij d. |
| Item ro ^t Inglastonis aiker and now ye trinitie Jle w ^t in o ^r parroche payand iiij sh. | Item w ^m baxteris aiker and now Jo ⁿ forrestis v sh. iiij d. |
| | Item Johne temp--llis aiker and now w ^m fowlaris airis ane aiker fyve rude xxvj fall payand v. sh. |
| | Item Jo ⁿ mandersonis aiker and now to ane altar of bothane kirk ane aiker and sex fall iiij sh. |

The mylflatt beginnand at lethane burne

- | | |
|---|---|
| Item hew robertsonis aiker and now m ^r dauid boruikis payand iiij sh. | Item thomas Inglestonis aiker and now w ^m gibsonis thre rude and (blank) fall iiij sh. x d. |
| Item w ^m cokburnis aiker and now w ^m ogillis iiij sh. | Item Jo ⁿ hendersonis aiker now m ^r dauid borthuikis thre rude and xvij fall payand iiij sh vj d. |
| Item katharine flemyngis aiker and now m ^r hew congiltonis payand iiij sh. vj d. | Item ar ^d leirmondis aiker and now nicoll swintonis thre rude and ten fall payand iiij sh. iiij d. |
| Item ro ^t congiltonis aiker and now ar ^d cutlaris airis iiij sh. | Item Jo ⁿ banis aiker and now george symsonis thre rude ane fall payand iiij sh. |
| Item cristiane cokburnis aiker and now harye cokburnis iiij sh vj d. | Item Jo ⁿ clerksonis aiker and now Jo ⁿ maris thre rude v sh. |
| Item Jo ⁿ patrusonis aiker and now harye cokburnis iiij sh vij d. | |

Item ane aiker of Joⁿ crummyis now
to ye college of ye bothanis v sh.

Item ro^t aitkinsoun and Joⁿ forrest
iij rude xix fall payand
iij sh. iij d.

Item Joⁿ curryis aiker and now
adame wilsonis thre rude xxxiiij d.

Item thomas karrand airis and now
adame wilsonis thre rude xxxiiij d.

Item Joⁿ Johnestonis and now adame
wilsonis iij rude and ix fall
iij sh. iij d.

Item alex^r curryis aiker and now
(blank) is fyve rude payand v sh.

The medow aikeris begynnand at ye eist syde.

James oliphant ane aiker

Joⁿ forrest tua aikeris ilk aiker iij sh.

The college of ye bothanis thre
aikeris ilk aiker iij sh.

Joⁿ forrest thre aikeris ilk aiker
iij sh.

ye laird of bass ane aiker iij sh.

James home tua aikeris viij sh.

thomas dikeson fo^r aiker ilk aiker
iij sh.

Item syme woddis airis tua aikeris
ilk aiker iij sh viij sh.

The rentall of ye burrois rudis begynnand at ye eist syde of ye sydgaitt
along ye freir croft ilk rude viij d.

Item ro^t schorthois airis ane rude
viij d.

edward wolfis tua rudis xvj d.

Ro^t wolfis tua rudis xvj d.

The laird of clerkingtonis thre
rudis

W^m lawson fo^r rude

Nicoll reid ane rude

ro^t zoung ane rude

S^r Joⁿ congiltoun ane rude

Joⁿ collelawis land ane rude

Joⁿ waikis land ane rude

the land p teining to ye rude altar
tua rude

Joⁿ cokburnis land thre rude

James fortoun tua rude

The laird of colstoun ane rude

The rude altare ane rude

The freir minores ane rude

the rude altare thre rude

W^m ogill ane rude

The rude altare vyir fo^r rude

The southsyde of poldraitt. ilk rude v d.

Item byris orchard besouth ye kirk
fo^r rude xx d.

the freiris land tua rudis

thomas symsonne ane rude

the laird of lethingtoun ane rude

Joⁿ millaris airis thre rude

The west syde of poldraitt begynnand at ye myl dam ilk rude v d.

Item thomas Dikesoun tua rude x d.

george campbell tua rude

Johnne haywie (*i.e.* hathwie) ane rude

thomas gothray ane rude

Sanct Johnnis altare ane rude

James tuedy tua rude

the laird of colstoun tua rude

m^r bartill kello ane rude

the laird of colstoun ane rude

James cokburne ane rude

The southsyde of Wirlingstreit ilk rude v d.

W^m ogill thre rude

the laird of blanss fo^r rude

W^m ogill fyve rude

James horne vj rude

xv d.

Jonet ogill sex rude

thomas dikesoun fo^r rude

the laird of blanss iij rude

henry lawsoun v rude

North syd of Wirling streitt ilk rude

vj d.

Thomas dikesoun xiiij rude vij sh. m^r bartill kello xv rude

The laird of blanss xv rude

The westsyd of ye sydgaitt ilk rude

v d.

Item w^m ogill tua rudeItem w^m ogill vyir tua rudem^r Joⁿ hepburnis airis tua rude

the laird of colstonis tua rude

James fortoun ane rude

henry clerkis airis ane rude

hary cokburne three rude

James dikesoun ane rude

m^r w^m broun tua rudeJoⁿ dowglas ane rude

laird of wauchtoun tua rude

w^m ogill ane rudew^m ogill ane rudeS^r Joⁿ greinlaw ane rude

george waikis airis ane rude

the laird of garmiltoun tua rude

patrik richartsonis airis ane rude

S^r hector sinclair tua rudeS^r Joⁿ greinlaw tua rude

thomas millare tua rude

The southsyde of ye crocegaitt begynnand at ye eist Nuik ilk rude v d.

Item sanct Johnnis land ane rude v d.

Joⁿ sydserfis land ane rude

thomas puntoun ane rude

S^r Joⁿ lawty ane rudeJoⁿ Wauchis airis ane rudew^m home ane rudeJoⁿ collelaw ane rudew^m gibson ane rude

James oliphant ane rude

Johne peirsoun ane rude

the laird of rouchlaw ane rude

thomas fyldar ane rude

Sir thomas mauchlyne ane rude

Johne riclingtonis airis ane rude

Johne kemp ane rude

the landis of sanct ninianis chapell
tua rudero^t vauss tua rude

Dauid hepburne ane rude

Nicolas swintoun ane rude

W^m campbell tua rude

thomas dikesoun ane rude

george craig ane rude

henry campbell ane rude

Joⁿ quhintene ane rudem^r bartill kello ane rudeW^m broun ane rudealex^r todrikis airis ane rude

James sandersoun ane rude

the laird of garmiltoun ane rude

m^r hew congiltoun ane rude

adame cokburne tua rude

alex^r gibson tua rudero^t thomesoun ane rudealex^r barnis tua rude

hary cokburne ane rude

Joⁿ romano airis tua rude

Andro quhyte ane rude

W^m langlandis and ro^t broun ane
rude

cryspianis altar ane rude

Joⁿ feild ane rudeJoⁿ richartsonis airis ane rude

george wod ane rude

george woddis airis ane rude

patrik crummy tua rude

Joⁿ aytoun fo^r rudew^m veneis tua rudeJoⁿ blak ane rude

m garet bailleis ane rude

Joⁿ sibbatsoun and marioun stevin-
stoun ane rudealex^r gibson ane rude

archibald quhentene ane rude

thomas spotiswode ane rude

Joⁿ richartsonis airis tua rudeJoⁿ burnis dochter ane rude

Mungo allane ane rude

george bathcat tua rude

The Nort syde of ye toun beginnand at ye West port.

first henry lawsoun for rude
 Joⁿ Forrest ane rude
 patri^k greinlawis airis ane rude
 Joⁿ aytoun ane rude
 Joⁿ Forrest thre rude
 Archie cutlairs airis thre rude
 the laird of garmiltoun tua rude
 cuthbert symson tua rude
 W^m foullaris airis tua rude
 Joⁿ hainschaw tua rude
 W^m robesonis airis ane rude
 george symson thre rude
 M^r dauid borthuik ane rude
 ro^t fawsydis airis ane rude
 Johnne eistonis airis ane rude
 Alex^r gibson ane rude
 My lord home thre rude ye ane half
 to sanct Joⁿ ye vthir to ye toun
 Joⁿ grayis land ane rude

M^r dauid borthuik ane rude
 Adame bagbie ane rude
 M^r dauid borthuik thre rude
 S^r ro^t law^{ta} ane rude
 the laird of lethingtoun ane rude
 Joⁿ thyn ane rude
 the m^r of haillis thre ruidis
 petir cokburne ane rude
 henry thomesoun ane rude
 the Minister of peblis ane rude
 elene pattersoun ane rude
 the laird of Innerley^t tua rude
 Sanct Ninianis chapell ane rude
 Joⁿ aytoun for rude
 Joⁿ forres tua rude
 the laird of congiltoun ane rude
 barnard thomesoun ane rude
 Johne banis ane rude
 The pryores of hadingtoun tua rude

The West syde of the hardgaitt.

Joⁿ airthis airis tua rude
 Joⁿ dudgeonis airis ane rude
 Joⁿ millare ane rude
 James horne for Keris land awand to
 ye toun—iiij sh and for burrow
 maill v d.
 Item James horne vyir tua rude ilk
 rude v d.
 W^m clapennis airis tua rude
 ro^t douglas airis ane rude
 patrik congiltounis airis ane rude
 ro^t beiris land tua rude

the college of ye bothanis ane rude
 Joⁿ mason ane rude
 george richartsoun tua rude
 — zuill of garmiltoun tua rude
 Nicoll sydeserfis airis ane rude
 James howesonis airis ane rude
 Joⁿ gilzeanis land ane rude
 henry thomesoun ane rude
 ro^t Noreis airis ane rude
 Thomas vauss fyve rude
 Joⁿ forres land for rude
 the college of ye bothanis tua rude

The nort syde of ye heuchheid.

Item thomas darling ane rude
 george elwandis airis tua rude
 W^m gibson tua rude
 James oliphant for rude
 thome arnot ane rude

The preistis of ye bothanis sevin
 ruidis
 w^m home vj rude
 Thome arnot thre rude
 W^m homis land xiiij rude

The south syde of ye sandi gaitt.

Alex^r zule of garmiltoun iij rude
 James hornis land ix rude

Richart getguidis land tua rude

The eist syde of ye hardgaitt.

The freiris Minor of hadingtoun ane rude	thomas banis thre rude
w ^m dowglas airis ane rude	lowrie getguidis airis ane rude
Jo ⁿ sammellis airis ane rude	petir gottray and w ^m dudgeonis airis ane rude
ane waist rowm in ye townis hand	Johnne Wauchis airis ane rude
Thomas vauss thre rude set in few	Alex ^r brownis airis ane rude
to ye toun payand zeirlie iij sh.	george hepburne thre rude
Johnne masoun ane rude	w ^m broun thre ruidis
Johnne banis airis tua rude	The Ile of Eddrem (<i>sic</i>) iij ruidis

The gait foiranent ye freiris.

Item Jn ^o dowglas tua rude	Adame wilsoun tua rude
Jo ⁿ hyndis airis ane rude	

The North syde of the crocegait beginnand at ye eist nuke.

Johnne hyndis airis ane rude	W ^m home tua rude
Andro wilsoun ane rude	george bathcat ane rude
w ^m ogill thre rude	henry lawsoun ane rude
Adame wilsoun tua rude	Dauid dalzellis airis ane rude
Johnne dowglas tua rude	Johnne dargis airis ane rude
The land of halyruidhous ane rude	Alex ^r gibsoun ane rude
thome edingtoun ane rude	Robert lawsoun of humby ane rude
S ^r Jo ⁿ greinlaw ane rude	Robert broun ane rude
Johnne hathowie ane rude	Robert strauchis (?) airis tua rude
thome purves tua rude	Sanct blaisis altare ane rude
Johnne forrest ane rude	Johnne forrest tua rude
James hathowie ane rude	Dauid forrest tua rude
The priores of hadingtoun tua rude	W ^m campbell tua rude
Thomas edingtoun thre rude	S ^r thomas stevin tua rude
Johnne thomesoun ane rude	James Cokburne tua rude
Johnne forrest ane rude	

The smyddi raw.

Robert anderson and alex ^r barnis tua rude	James cuik ane rude
Adame cokburne thre rude	cuthbert symsone tua rude
Robert fawsydis airis ane rude	george bathcat tua rude

The southsyde of ye tolbuyt gaitt of ye Myddil raw beginnand at ye West end.

Item w ^m ogill fyve rude	Johnne dowglais ane rude
W ^m congiltoun tua rude	henry lawsoun ane rude
W ^m ogill vyir tua rude	george bathcat ane rude
m ^r archibald cokburnis airis ane rude	thomas puntoun ane rude
The laird of wauchtoun ane rude	W ^m home ane rude
S ^r hec ^{or} sinclair tua rude	James spottiswode tua rude
alex ^r seytoun thre rude	

Kilpairis.

Johne hathewie tua rude
 thomas puntoun tua rude
 Thomas parkie ane rude

Johnne blair tua rude
 Johnne dowglas tua rude

Item of ilk hous of ye Nungait yat ye reik cummis out of v d in ye zeir.

Item of ilk rude in ye Giffertgait v d in ye zeir

A Tenement of land provest (*sic*) be ye bailleis of hadingtoun lyand on ye north syde of ye tolbuy^t betuix a land of Johnne halyburtoun on ye eist pt and a land of umq^{le} dauid greinlawis on the west to george sinclair of blanss for ane mk of @nuell zeirlie out of ye said tenement the zeir of god jaj vc and sevin zeiris.

Ane vthir tenement of land provest (*sic*) be ye baillieis of hadingtoun lyand on ye southsyde of ye tolbuy^t gait betuix a land of willame sinclare on ye west pt and a land of Richard crumby on the eist pt To george sinclare of blanss for fo^r schillingis @nuell jaj vc and sevin zeiris.

The Origin of the Convention of the Royal Burghs of Scotland

With a Note on

The Connection of the Chamberlain with the Burghs

LENGTH of days cannot be said to be a characteristic of Scottish institutions, for few have been able to survive the union with England, and of those which have not disappeared the Court of Session and the General Assembly only date from the sixteenth century. The most venerable survivor is the Convention of the Burghs which, under some form and name, seems to have existed from earlier times. The history of the Scottish royal burghs as a whole presents some unique features, and this assembly, which exercised large powers of control and of regulation of burghal affairs, is not the least interesting of these. Charters and legislation granted to the royal burghs rights of self-government and exclusive trading privileges, and during the middle ages they seem to have pursued the development of their commerce and industry with the encouragement of parliament and of the crown, unhampered by interference from the nobles. During the thirteenth century they were flourishing communities, and, though the war with England put an end to their prosperity for a time, they seem to have begun to recover by the middle of the fourteenth century and during the fifteenth their trade and industry developed and increased. This economic growth was not unaccompanied by constitutional development for from a very early period mention is made and accounts are given of the proceedings of burghal assemblies—of the Four Burghs, the Court of the Four Burghs, the Parliament of the Court of the Four Burghs—while the commissioners of burghs gave decisions in judicial cases, became responsible for the payment of ransoms, recommended legislation and convened together for various purposes, independently of parliament, before the end of the fifteenth century. In the sixteenth century economic affairs

were even more important ; it became more necessary to defend the privileges of the royal and free burghs against encroachments, and their meetings became more frequent. From the middle of the century full records of the proceedings of the convention of the burghs were preserved and soon after that the meetings were held every year.

It is the purpose of this paper to trace the connection of the earlier burghal assemblies with the fully developed convention, and at the same time to describe the changes in their constitution and the growth of their functions. By the beginning of the seventeenth century the convention was exercising many powers. It assessed the share, a sixth part, of national taxation which was paid by the burghs. It guarded the privileges of the royal and free burghs, maintaining their exclusive right of engaging in foreign trade, and it helped individual burghs to resist encroachments by neighbouring gentry. It made many regulations as to trade and industry, weights and measures and burghal administration, and also made some attempts to develop manufactures and fishing. The king and the council often consulted the convention, and it made representations to them and to parliament about matters affecting the burghs. Appeal was made to it in cases of quarrels between burghs, and the convention exercised certain considerable though undefined powers in altering or authorising alterations in the setts of burghs and of ratifying alienations of their common good. The convention consisted of representatives of all the royal and free burghs, presided over by an elected president, generally the provost of the burgh where the commissioners met.

This assembly is said to have been a development of the court of the four burghs, an institution whose history is difficult to trace, as its records have entirely disappeared and there are but few references to the court, its constitution, procedure or business in other documents. The four burghs were originally Edinburgh, Roxburgh, Berwick and Stirling, the most important in the south of Scotland. How and when the court originated cannot be told. The earliest reference to the 'Four Burghs' is in the name of the burghal code '*Leges Quatuor Burgorum*.' The earlier chapters of the laws are almost identical with the customs of Newcastle-on-Tyne, which claim to date from Henry I.'s time, and probably only these chapters come from David I., to whom the whole code is attributed. These form 'a nucleus of laws deriving from the first half of the twelfth century' which 'has gathered to it other laws of many dates.' The earliest transcript, the Berne MS., was

probably written about 1270, and therefore the laws must have been codified before that date.¹ They were probably the custom in different burghs both in Scotland and in England² and the code may have received the name of the four burghs because they existed as an association to which application could be made by other burghs as to existing customs. Apart from the name of the laws the first mention of the four burghs is in a decision referred in 1292 'super legem et consuetudinem Burgorum per quatuor Burgos,' in a plea held at Edinburgh before the Custodians of the kingdom of Scotland. Margery Moyne sued Roger Bertilmeu, executor of her late husband William, for two hundred marks which the said William had given her. Roger's defence was that William had not left enough to pay his debts and that the creditors should be satisfied first. Margery then asserted that hers was the principal debt and ought to be paid first according to the custom of the burghs. Roger demanded an appeal to the law of the burghs, to which Margery agreed, and the four burghs declared that the law of the burghs was that the claim of the dower was the principal debt and ought to be paid before other debts, and sentence was given accordingly.³ The appeal may have been made to the court of the four burghs.

In the next reference the burgesses of the four burghs are found making an ordinance or declaring a custom. In 1295 'It was decretid and ordanit be the worthy and noble burges of Berewyk Edinburghe (Roxburgh) and Stirling . . . at the abbay of the haly cros of Edinburghe' that ships, etc., and horses did not pertain to the heir heritably, but nevertheless the best palfrey went to the heir, if it was not given to the church or to some religious man, in which case the heir could have the next best. Also, a burgess might leave his armour and utensils where he wished only the heir should have the principal armour and utensils.⁴ This is an addition to the law in the code, 'Of thyngis pertenand to the burges ayre,' concerning the household geir and plenishing.⁵ The burgesses of the four burghs therefore

¹ Mary Bateson, *Borough Customs* (Selden Society), i. 1.

² *Ancient Laws and Customs of the Burghs of Scotland* (Scottish Burgh Records Society), i. 48, 49, 55.

³ *Rotuli Parliament*, i. 107-8.

⁴ *Acts of the Parliament of Scotland*, i. 724.

⁵ *Ancient Laws*, i. 56. Cp. *Acts, Scotland*, ii. 107. Item anent the aiersschipe of movabill gudis that the aieris of baronis gentilmen ande frehaldaris sall haue It is statute and ordanit that the saide aieris sall haif the best of Ilke thing and efter the statute of the burow lawis and as is contenyt in the samyn.

declared customs and made ordinances, which may often have meant putting an official seal on custom or giving a wider sphere to local usage. These two entries concern an assembly of burghesses, which may have been the same as the court referred to in 1345 when Edward III. was told by the community of Berwick that it had for long been the custom in Scotland that appeals by pursuer or defender from sentences in burgh courts could be heard at Haddington by the chamberlain and sixteen good men from the four burghs of Berwick, Stirling, Roxburgh, and Edinburgh. And as the men of the three latter places adhered to the king's enemies they could not meet with the burghesses of Berwick, and so pleas remained undetermined to the great hurt of many. The king granted that these pleas might come before the guardian and mayor and twelve burghesses of Berwick.¹ The Scottish king had also to make provision for the dislocation caused by the war, and in 1368 it was decreed that, as Berwick and Roxburgh, which were two of the burghs which of old had made the court of the chamberlain held once a year at Haddington to hear judgments contradicted before him in his ayres, were held by the English, Linlithgow and Lanark should be substituted for them.² The four burghs therefore had another, a judicial capacity, in which they attended at a court presided over by the king's chamberlain, where sentences given in burgh courts and in the ayres of the chamberlain were revised.

A law of Robert III. asserted that all dooms falsed or gainsaid in burgh courts should be determined in Haddington before the chamberlain and four burghesses of each of the four burghs. It also gives the 'manere of dome falsing'—'Gif ony party uill fals a dome he aucht to say thus This dome is fals stynkand and rottin in the self and tharto I streik a borch and that I will preiff.'³ One of James I.'s acts declared further that he who would false a doom 'sal nocht remufe oute of the place that he standis in quhen the dome is gevin na zit be avisit na spek with na man quhil the dome be agayn callit ande that salbe wⁱⁿ the tyme that a man may gang esily XL payses.'⁴ This Stair characterises as a 'very rude and peremptor way.' The court consisted of three or four of the 'maist discret' burghesses of the four burghs, with sufficient commission summoned by letter to Haddington to appear before the chamberlain, and all judgments again said in burgh courts

¹ *Rotuli Scotiae*, i. 660.

² *Records of the Convention of the Royal Burghs of Scotland*, i. 541-2.

³ *Acts, Scotland*, i. 742.

⁴ *Ibid.* ii. 18.

were to be 'knewlegit in iugment of ye iiiii borowis yt richt or wrong.'¹ It was decreed by James I., and confirmed by his son in 1454, that the court should be held in Edinburgh on the day after the feast of Saint Michael the Archangel.² This court of the four burghs seems to have originally been a final court of decision. In the Drummond MS. of the laws a section on processes of again calling of a doom contains this clause: 'Quhar domis off burgh sal be discussyt. Item all domys yt ar falsyt in ony burgh off ye kyngs or in ony other burgh off regale sal be discussit be foir ye gryt chamberlain off scotland or his deputs in ye court off ye four burrowis and yar sal tak finaly end.'³

Also the court of the four burghs and the parliament are classed together in an exception as to the procedure to be followed when doom was given in absence of party.⁴ Another source gives an addition to the statement that dooms falsed in burgh courts shall be discussed in the court of the four burghs: 'bot gif ye actionun depend betuix ane burgh and ane lord of regalitie for yan It aw to be discussit in ye parliament.'⁵ But an act of 1503 which decrees that appeals from bailies within burghs are to be made to the chamberlain in the court of the four burghs also provides that a doom falsed in that court has process to the court immediately superior,⁶ and this, from the earlier part of the act, appears to be to 'thretty or fourty persons more or fewer' deputed by the king with power 'as it were in a Parliament.'⁷ This act also changed the old law about appeals by allowing the party who appealed fifteen days in which to consider his process, after which he was to present it to the chamberlain, who was 'to sett ane Court of the four burrowis on XV dais and mak the said dume to be discussit.' At the same time the prescribed formula for the falsing of dooms was changed to a less forcible expression: 'I am grettumly hurt and Iniurit be ye said dume thairfor I appele.'⁸

There seem to be only two references to proceedings of this court, both in the Acts of the Lords of the Council in Civil Causes and both in 1478. In the first case a summons was

¹ *Leges Scotorum Antiquae*, Advocates' Library, MS. 25. 4. 16. f. 210.

² *Convention Records*, i. 542-3.

³ Drummond MS. (Gen. Register House).

⁴ Harleian MS. 4700, f. 275 (Brit. Mus.).

⁵ *Ibid.* f. 275.

⁶ *Acts, Scotland*, ii. 246.

⁷ Stair, *Institutions of the Law of Scotland*, Book IV. i. 19, 20.

⁸ *Acts, Scotland*, ii. 246.

made by John of Spens and his spouse against John of Haddington, bailie of Perth, for his 'wrongous and inordinate' conduct during the hearing of their case. The chamberlain was ordained to call both the bailie and the others before him in the chamberlain ayre or in the court of the four burghs.¹ An act had been passed in 1475 ordaining that all parties complaining of the judge ordinary's administration of justice should 'come and pleanzie to the King and his Council, upon the Judge; and likewise on the Party, and in that case he shall have Summons baith on the Judge and on the Party, to compear before the King and his Council, and there have Justice and Reformation.'² In the case cited complaint was made to the council of the injustice of the bailie, and the hearing of the case was referred to the chamberlain, the final court in burghal affairs. The second case concerned an attempt by one Robert of 'donyng' to take advantage of Marjorie, daughter of umquhile Gilbert Browne, by taking action upon a decree given in the burgh of Perth, on which appeal had in the meantime been made to the court of the four burghs by Gilbert, before his death. The lords decreed that Robert was not to occupy the land until the doom was discussed there.³ There was here no appeal from the chamberlain's jurisdiction.

Mention is made of sending commissioners to the court from Edinburgh in 1484;⁴ from Lanark in 1490, when thirty-four shillings was paid to the 'balyeis to the Court of iiij Burrowis'; in 1503, when thirty-two shillings was expended 'for wax and collacion to seill the commission to the court off (Four Burghis),' and to the 'commissaris at raid'; and, again, for riding to the court when it was continued; and in 1507, when they again attended twice.⁵ There are no later allusions to the court, though that does not necessarily prove that it ceased to exist. There was a rising in Edinburgh in 1527 against the High Chamberlain, John, Lord Fleming, 'when sitting in judgment in the Tolbooth of our foresaid Burgh in the execution of his office of Chamberlain.'⁶ He may possibly have been presiding at a meeting of the court of the four burghs. But the importance of the office of

¹ *Acts of the Lords of the Council in Civil Causes*, 24.

² Stair, *op. cit.* Book IV. i. 14.

³ *Acts of the Lords of the Council in Civil Causes*, 19-20.

⁴ *Edinburgh Burgh Records* (Scottish Burgh Records Society), i. 50.

⁵ *Records of Lanark*, 7, 13, 17-18.

⁶ *Edinburgh Charters* (Scottish Burgh Records Society), 205-8.

chamberlain, and probably of his jurisdiction, were declining, and the institution of the College of Justice in 1537 made considerable changes in the administration of the law. After this the process used in the court of the four burghs came to an end, for Stair says that then 'all Appeals of falsing of Dooms did entirely fall in desuetude and ceased.'¹ It seems likely, therefore, that the court of the four burghs, as a body with judicial functions, ceased to exist in the early part of the sixteenth century.

During the fifteenth century, however, other functions were acquired by the court. In 1405, according to Skene, the only authority for this statement, in the court of the four burghs held at Stirling it was ordained that two or three burgesses from each of the king's burghs south of the Spey should 'compear' yearly 'to the Convention of the foure Burghes,' in the Scots version, or 'ad dictum Parliamentum quatuor burgorum,' 'to trait, ordaine and determe vpon all thingis concerning the vtilitie of the common well of all the Kings burghs, their liberties and court.'² Then follow six chapters relating to burgh affairs, but Professor Innes says that the manuscript from which they are taken does not ascribe them to the court of the four burghs, and one of them deals with the Templars, whose order was dissolved in 1312.³ There is no mention of the chamberlain's presence. Then in 1454, in confirmation of an ordinance by James I., James II. granted to Edinburgh that the chamberlain should hold the court of the parliament of the four burghs there, to determine sentences given or gainsaid in the burgh courts; to give measures of the ell, firlot or boll, stoup and stone to the lieges; 'Necnon omnia alia et singula facienda et exercenda que in huiusmodi Curia Parliamenti secundum leges statuta et Burgorum consuetudines sunt tractanda subeunda et finaliter determinanda.'⁴ And in 1500 there is a record of a meeting of the Court of Parliament of Four Burghs at Edinburgh, where it was ordained by the chamberlain, with advice of his assessors and commissioners of burghs, that acts of parliament about craftsmen using merchandise within burgh should be observed; that no one who was not a burges should 'pas in Flanderis nor France with merchandice'; that no one should have the freedom of the burgh nor 'haunt merchandice'

¹ Stair, *op. cit.* Book IV. i. 31.

² *Ancient Laws*, I. iv. 156-8.

³ *Acts, Scotland*, i. 51.

⁴ *Convention Records*, i. 542-3. Each of the four burghs, in the sixteenth century and later, kept one of the standard measures. Edinburgh had the ell, Stirling the stoup, Lanark the stone, Linlithgow the firlot.

unless he resided in the burgh.¹ After this, until the regular records of the convention begin in 1552, there are mentions of commissioners being convened together, and being convened by command of the king's letters, dealing with regulations for foreign trade and making provision for guarding the privileges of the burghs and the burgesses, but there are no more records of the proceedings of the parliament of the court of the four burghs nor references to the presence of the chamberlain at any meeting of the commissioners.

From these fragments it seems that the court had three aspects. In its judicial capacity appeals were heard from decisions in burgh courts and from the chamberlain's ayre. Secondly, it had powers of administration, giving the weights and measures to the burghs. Thirdly, ordinances and regulations were made in the court. Perhaps it is permissible to conclude that the difference in function corresponds with a difference in title, for the court, as a law court, seems to have been always known as the court of the four burghs, while the meetings which made ordinances appear by the records of 1405, 1454, and 1500 to have been called the parliament of the court of the four burghs. The chamberlain was always present, except that there was no mention of him in 1405. It is difficult to be certain about the constitution of the court. According to Skene, others than the four burghs were represented, but the letters patent of James II. expressly specified Edinburgh, Lanark, Linlithgow and Stirling, while the entry of 1500 mentioned only the 'Commissaris of our Burrowis.' Comparing what we know of the functions of this court with those of the convention, we find that the principal difference was that the convention had not the power as a court of justice which the court of the four burghs had possessed. Otherwise the functions of the convention were wider, for it assessed taxation, carried on negotiations concerning foreign trade, represented the burghs in consultations with and recommendations to the king and the council, and exercised larger powers in burghal administration than the records show that the parliament of the court of the burghs had done. But before the convention, as it appears in the latter part of the sixteenth century, began to be held, there are a few records of meetings of burgesses belonging to others than the four burghs, meeting independently of the chamberlain, sometimes before or during parliament, and exercising some of those functions of the convention which the

¹ *Ibid.* i. 505-6. See Sir James Marwick's Preface to the *Convention Records*, i., i.-viii.

court did not apparently possess or use. Perhaps Skene's clause may have referred to some gathering of this kind, and also the ordinance in 1466 giving power to certain lords 'til authorize ratify and apprufe or til annull as thai think expedient and profitable al actis and statutis avisit and commonit in the sessionis of burowis for the gude of merchandice and profit of the Realme.'¹ And also the act of 1487 authorising commissioners of all burghs to convene together once a year at Inverkeithing, with full commission to 'comoun and trete apoun the welefare of merchandis the gude Rewle and statutis for the commoun profit of borowis and to provide for Remede apoun the scaith and Iniuris sustenit within burowis'² seems likely to have referred to these assemblies. This was one of several acts 'that the haill commissionaris of burrowis desyris to be ratifyit and appreivit in this present parliament.' The act of 1581 declared that it was found necessary by 'oure souerane lord and his hines predicessouris That the commissionaris of burrowis convene at sic tymes as they suld think guid in quhat burgh they thocht maist expedient with full commissioun: To treat vpoun the weifair of merchandis merchandice guid rewle and statutis for the commone profite of burrowis.'³ These statutes seem to refer to a different body from the court where the chamberlain presided, to a body representing a greater number of burghs and exercising wider powers.

On one occasion the commissioners of the burghs in parliament gave a decree about the course to be followed when burgh lands were waste and not distrainable for the king's farm of the burgh,⁴ a proceeding something like the record of the ordinance of the burgesses of the four burghs in 1295. The burgh commissioners, too, seem to have occasionally had questions submitted to them as arbitrators, as in 1443, when, at a general council held at Stirling the commissioners of Ayr and Irvine, 'oblisand thame to hald ferme ande stabill perpetuale tymis to cum quhat the sade commissaris of the lafe of the burghs . . . sall decrete in that mater,' appeared before the commissioners of Edinburgh, Perth, Stirling, Lanark, Montrose, Dundee, Cupar, Inverkeithing and Aberdeen, who gave decree about the claims of the merchants of Irvine to sell certain goods in Ayr on the market day. This was

¹ *Acts, Scotland*, ii. 85.

² *Ibid.* ii. 179.

³ *Ibid.* iii. 224.

⁴ *Muniments of the Royal Burgh of Irvine* (Ayrshire and Galloway Archaeological Association), 23-4. There is no record of this in the *Acts of the Parliament*, (1429-30).

authorised before the 'hale generale conseil' and confirmed by the king under the great seal.¹ The merchants of Aberdeen offered to refer a dispute about the freight of goods in a ship belonging to the Earl of Orkney which had been wrecked to the commissioners of burghs, when it pleased the earl, or at the next general council.² There are also records of the proceedings of the burgh commissioners in other matters with which the convention was much occupied later. In 1483 a tax roll of the burghs beyond the Forth is given as "modifiit" by the burgh commissioners at the time of the parliament at Edinburgh on March 21, a sitting not recorded in the Acts.³

Most of the meetings, however, were concerned with foreign trade. In 1478 the king summoned commissioners from Aberdeen to Edinburgh, and the council and merchants of the burgh elected five to 'avise with our souerane lordis consall, and the commissaris of utheris viii burrowis' about sending an embassy to the Duke of Burgundy 'for the good of merchandice and renouation of al priuilegis grantit til the merchandis passing to Brugis in Flandris, and in thaa partis.'⁴ The king and the three estates had already (June 1) ordained that an embassy should be sent to renew the former alliance with Burgundy, to get greater privileges for merchants and remedy for the 'scathtis' they had sustained.⁵ The expenses were to be paid by all the burghs, which perhaps was the reason they were consulted later. The commissioners of Edinburgh, Aberdeen, Perth, Haddington and Dundee met in 1498 and consulted on several matters. They considered it advisable that 'ane schap clerk, and twa burges merchandis of fasson' should be sent to the Archduke of Austria about the letters of marque and his proclamation about the staple. At this meeting they also recorded their desires that their privileges should be maintained, that the act forbidding any one to sail 'within j last of gude of his awne' should be kept, and that the act forbidding craftsmen to be merchants unless they gave up their craft should be enforced by the burgh officials.⁶ There is no record of a parliament at this date, nor was there any in 1497 when commissioners were chosen from Aberdeen 'to commoun

¹ *Charters of Ayr* (Ayrshire and Wigtonshire Archaeological Association), 27-9.

² *Aberdeen Burgh Register* (Spalding Club), i. 13 (1444).

³ *Convention Records*, i. 543.

⁴ *Aberdeen Burgh Register*, i. 410; *Spalding Club Miscellany*, v. 26.

⁵ *Acts, Scotland*, ii. 118.

⁶ *Aberdeen Burgh Register*, i. 67. Cp. *Acts, Scotland*, ii. 86.

with vtheris commissionaris of the burghs for the gude of merchandice.¹ In 1529 Aberdeen again sent representatives to Edinburgh 'to do, determe, and decreit with the laiff of the borrowis commissionaris aftir the tenour of our Souerane Lordis letters directt thairupon for the common weill of the merchandis of the realme.' They were ordered then to appear before the Treasurer,² but there is no record of the presence of the treasurer at the meeting. This assembly gave instructions to Master John Campbell of Lundy, who was sent to renew the peace between Scotland and the Emperor and also the privileges of the merchants in his lands; and desired that the acts of parliament and 'the wythir statutis deuisit and maid be the consent of the haill commissionaris' should be observed and kept. These were principally regulations about the privileges of burgesses and merchants—that no one dwelling outside the king's free burghs should send goods to France or Flanders and that burgesses who bought and sold merchandise should live within the burgh. They also concerned the relations of merchants and craftsmen, the work of craftsmen, and some rules for the conduct of foreign trade. These included the provision that any merchant who took with him to France or Flanders his 'ewill and wirst clais to the dishonour of the realme' should be ordered to get 'honest clais,' and, if he refused, that the conservator should take of his goods and have suitable garments made for him.³ The king again next year ordered the commissioners of the burghs to meet and convene at Edinburgh about the common weal of merchants.⁴

A more important meeting took place in 1533 when the provost, bailies and council of Edinburgh and the commissioners of Dundee, Perth, St. Andrews and Stirling decided that all the burghs should send commissioners yearly to Edinburgh to 'avise and decerne anent all maner of thingis conter the commoun weill of burrois and of merchandis and to fynd remeid for taxationis and stentis that may happen to cum aganis thame, and that ilk burch bring with thame sic articlis and writingis in quhat thingis thai ar hurt in, sua that reformatioun and help may be put thairvntill for the vniversale weill,' and that each burgh which did not send a commission should be fined five pounds.⁵ Yearly meetings do not seem to have taken place as a result of this ordinance, and the convention of 1552, the first of the regular assemblies recorded in the convention records, enacted that commissioners should

¹ *Convention Records*, i. 504.

² *Ibid.* i. 507-8.

³ *Ibid.* i. 508-12.

⁴ *Ibid.* i. 512-3.

⁵ *Ibid.* i. 513-4.

meet annually, as it was ordained 'of lang time bipast.'¹ Nevertheless, this ordinance of 1533 marks the beginning of the modern history of the convention, a body of representatives of all the royal and free burghs, over whom no royal officer presided, assembled upon their own initiative to consult about the affairs of burghs and of merchandise and to defend the privileges of their own members.

There are, besides these records of actual meeting of the commissioners of the burghs, references which show common action on the part of the burghs. In 1357 Edinburgh, Perth, Dundee, Aberdeen, Crail, Inverkeithing, Cupar, St. Andrews, Montrose, Stirling, Linlithgow, Haddington, Dumbarton, Rutherglen, Lanark, Dumfries, Peebles, appointed burgesses of Edinburgh, Perth, Aberdeen, and Dundee, to act for them in negotiations with Edward III.'s council for the ransom of David II., for which the burgesses and merchants were to be principal debtors.² The same four burghs bound themselves for the payment of five thousand merks to Henry VI. for the expenses of James I. during his captivity in England, and James promised to cause the rest of the burghs to bind themselves to these four for payment of this sum in case they were distrained therefore.³ Then the burghs of the realm were responsible in 1496 for the expenses incurred by the bishop of Aberdeen in annulling letters of marque purchased by the Dunkirkers. The king's sheriffs were ordained to take what remained unpaid from Edinburgh, which so often took the leading part in proceedings of the burghs, and the city was to have relief of 'ye Remanent of ye burrowis of ye Realme awing any part of ye soume.'⁴

Turning to foreign trade, the burgesses and merchants of Scotland made a contract with those of Middelburgh in 1347.⁵ And in 1348 a letter was sent to Bruges from the aldermen, bailies, etc., of Aberdeen, Edinburgh, Dundee, and Perth, 'les quatres grosses villes de Escoce,' and 'des toutes les autres grosses villes du royaume d'Escoce,' who declared themselves ready for an agreement with the German merchants and with Flanders.⁶ In 1387 privileges were granted by the Duke of Burgundy 'a la humble supplication des marchans du Royaulme

¹ *Ibid.* i. 2.

² *Ancient Laws*, i. 194-9.

³ *Charters, etc., of Aberdeen*, 22-4. *Charters of Edinburgh*, 56-61. *Charters, etc., of Dundee*, 19.

⁴ *Acta Dominorum Concilii*, vii. f. 34.

⁵ *Acts, Scotland*, i. 514-5.

⁶ *Hansisches Urkundenbuch*, iii. 64-5.

d'Escosse.'¹ The contract with Middelburgh about the staple, which was repudiated in 1526, had been made by commissioners having 'procuratioun' from Edinburgh, Aberdeen, Stirling, St. Andrews, Perth and Dundee, as well as from the king.²

It has been said that there was also a confederation of burghs in the north, a theory based on William the Lion's charter granting to the burgesses of that burgh, and to his burgesses of Moray and those north of the Mounth, their free hanse.³ There seems to be no other evidence in support of this theory, and Professor Gross does not uphold it, considering that the charter more probably refers to a general grant of a gild merchant or of right to take a payment from merchants.⁴ Aberdeen probably took a leading part amongst the northern burghs, as a petition from Banff also shows. The provost and burgesses entreated the guardians of the kingdom to enforce the observance of Alexander III.'s charter granting that certain fairs might be held in Aberdeen 'for the benefit of us and of other burghs lying to the north of the mountains.' The burgesses of Montrose had been in the habit of disturbing these fairs to the no small prejudice of Aberdeen and of all the northern burghs.⁵ Though no doubt Aberdeen was a centre for the northern burghs, there is no indication that there was any organisation in the north which could be regarded as a predecessor of the convention.

With such scanty material as is available it is difficult to decide the exact degree of the relationship of the convention to these earlier burghal assemblies. Considering the functions and constitution of the court of the four burghs as a court of justice, and the decline of the power of the chamberlain, it seems reasonable to conclude that it came to an end sometime in the early sixteenth century, and that it was not a direct predecessor of the convention. Then the court in its other aspects also differed from the convention, in the presence of the chamberlain, and in being representative only of four burghs, unless it is possible to assume that the name was applied to an assembly with an increased number of members. For Edinburgh, Aberdeen, Perth, and Dundee were

¹ M. P. Rooseboom, *Scottish Staple in the Netherlands, Documents*, ix.-x.

² *Acts, Scotland*, ii. 305, and see J. Davidson and A. Gray, *Scottish Staple at Veere*, 151-5.

³ *Acts, Scotland*, i. 87.

⁴ C. Gross, *Gild Merchant*, i. 197.

⁵ *Annals of Banff* (New Spalding Club), ii. 373 (1289). The charter granting to Aberdeen the right of holding a fair does not make any allusion to other burghs. *Charters of Aberdeen*, 8-9.

decidedly the 'quatre grosses villes de Escoce,' and only Edinburgh was one of the original four burghs. It is not likely that an assembly which did not include these important towns would be able to make regulations and to carry on negotiations concerning the trade and affecting the general common weal of merchants and of burghs. The commissioners of these and of other burghs did meet to transact business independently of the chamberlain, and the assemblies which were authorised in 1487 seem to have been of this kind. The convention absorbed all the functions of the parliament of the court of the four burghs and of these other meetings of the burghal commissioners. There is also an echo of the chamberlain's jurisdiction in his ayres in the proceedings of the convention, for it was appealed to for permission to alienate the common good and to change the sets of burghs, though there was some doubt as to its legal authority in these matters.¹ It also made regulations about weights and measures which the chamberlain did in his ayres as well as in the parliament of the court of the four burghs.

The most reasonable conclusion seems to be that early in the sixteenth century, partly no doubt owing to the decline in the power and the activity of the chamberlain, there was an amalgamation of two assemblies concerned with the administration and regulation of burghal affairs, and that the convention, the result of the union, preserved the functions of both and the composition of the one, without the presence of the president of the other.

THEODORA KEITH.

NOTE ON THE CONNECTION OF THE CHAMBERLAIN WITH THE BURGHS.

The Scottish royal burghs were kept in touch with the central authority by the extensive jurisdiction exercised by the king's chamberlain over their affairs. This office was in existence as early as the reign of David I., and was one of great importance, for the chamberlain had charge of the king's revenues, in this capacity receiving all payments from the royal burghs, and also paid a yearly visit to the king's burghs to hold a court of justice, to inquire if burgh officials were exercising their proper functions and if the king's rights were being maintained. The first mention of this visitation or ayre seems to be in a law of William the Lion's which orders

¹ Morison, *Dictionary of Decisions of the Court of Session*, iii. 1861-3, 1839-40, 1842-8. See Sir James Marwick's Preface to the *Miscellany of the Scottish Burgh Records Society*.

no merchant to usurp the liberty of another burgh in buying and selling, lest he be convicted and punished in the chamberlain's ayre as a forestaller.¹ Then at the beginning of the fourteenth century the burgesses of Scotland petitioned the English king and council that no sheriff or other king's officer should interfere in their burghs, but that they should only answer to their chamberlain.² A few years later Robert Bruce ordained that the burghs should be controlled by the chamberlain and his deputies only.³ Receipts from the ayre are mentioned in one of the earliest surviving Exchequer Rolls (1327),⁴ and the first list of points to be inquired into by the chamberlain, the *Articuli Inquirendi Camerarii*, dates from about the same time. A later document, the *Iter Camerarii*, supplements this. Unfortunately there are no records of the ayre, except a very few references in burgh records. From the rolls in which receipts from the ayres appear, sometimes directly in the chamberlain's accounts and at others in the accounts of the provosts and bailies of the burghs, it does not seem that they were held regularly every year in each burgh. It is recorded that few ayres were held in 1380, and none in 1392, because of the pestilence, but for several other years there are no accounts, partly of course because the rolls are not a complete series.⁵

James I. took away from the chamberlain much of his power, especially as regards the revenue, handing over some of his duties to the newly-appointed treasurer and comptroller, but he did not interfere with his connection with the administration of the burghs. In fact the ayres seem, as far as one can judge by the accounts, to have been held more regularly and in more burghs than usual during his reign. They seem to have continued till late in the fifteenth century or the beginning of the sixteenth. In 1511 Dundee obtained a remission from James IV. of all transgressions of which they might be accused in the chamberlain ayres and in the justice ayres, and the burgesses were ordered to keep the weights and measures which they had received at the last ayre until the chamberlain gave them new ones.⁶ Next year people were chosen in Aberdeen to extent the sum of £500 Scots 'for the releving of the justice ayr and chavmerlane ayr of the burgh . . . and the expenss and propynis gevin to the clerkis and lordis.'⁷

The ayres⁸ were ordained to be held in summer to avoid expense. Before the chamberlain arrived in any burgh a precept was sent to the alderman and bailies informing them of the date of his coming, and commanding them to summon all the burgesses to appear before him, also all and sundry officers of the burgh, who were to present all the weights and measures used by them in their offices. All the names of 'soyts of court,'

¹ *Ancient Laws*, i. 60.

² *Calendar of Documents relating to Scotland*, iv. 380 (1303-7).

³ *Charters of Ayr*, 19-20 (1313).

⁴ *Exchequer Rolls*, i. 70.

⁵ *Ibid.* iii. 310, 650.

⁶ *Charters, etc., of Dundee*, 26.

⁷ *Aberdeen Burgh Register*, i. 442.

⁸ Information about the holding of the ayre and the lists of the points into which inquiry was made are given in the *Articuli Inquerendi Camerarii* and the *Iter Camerarii*, *Ancient Laws*, i. 114-26, 132-54.

of those who held swine 'vtought keping in the law statut' and those who had merchant booths were to be enrolled. The bailies were to cry openly that pledges should be taken by them that all who wished to follow or defend a cause before the chamberlain would be there to follow or defend their pleas. All who forestalled and who did 'purprisioun in propirte or in commoun of our Lorde the King' were also to be warned to be present. The chamberlain brought with him a clerk who was deputed by the king, and had to swear to 'do nocht at the bidding of the chalmerlan to the Kingis skaith.' The clerk carried with him weights and measures, and had to see that all the tron weights agreed with his.¹ But apparently the chamberlain was wont to travel with a more numerous retinue, for in 1449 it was ordained that chamberlains and others who 'makis coursis throu the lande ryde bot wt competent and esy nowmer to eschew grevans and hurting of the pepill the whilk nowmer of auld tym was statut and modiffit,'²

The provision of supplies for a large following must have been a difficulty, and some burgesses 'abstract their geir at the cumming of the chalmerlan or his clerks' that they should not have to sell it. In 1457 all three estates exhorted the king to reform the chamberlain ayres by which "all the estatis and specialy the pur commownis ar fairly grevyt,"³ but no action seems to have been taken after this petition. In the late fourteenth and fifteenth centuries the chamberlain generally gave the work to two deputies who each visited the burghs on one side of the Forth. When the chamberlain or his deputy arrived the first proceeding was to call all the burgesses of the burgh, the absent being fined, and to affirm the court. Then the bailies were summoned, and then 'ane assyse ... rasyt for the inquest to be maid apon the articles of the chawmerlane ayr.' These articles, which were very numerous, were chiefly concerned with inquiries as to the maintenance of the king's rights, the conduct of the officers of the burgh and its general administration.

The chamberlain inquired if the king's rents were duly paid, if any one revealed the counsel of the neighbours or of the king, used the freedom of the burgh to the hurt of the king or his burgh, disposed of lands in mortmain without the king's leave, abstracted suits owing to the king's court or gave annual rent to any other lord than the king. He asked, too, if any of the king's bondsmen were hiding within the burgh, and if any body took the king's multures from his mills. Then the chamberlain proceeded to inquire if the bailies, as judges, administered justice 'equallie to the pair and the ritch,' and without 'fauour, hatrent or luf of personis,' if judgments had been properly presented and executed, and if any matters which should have been tried before them had been taken to the ecclesiastical court. He also asked if any one 'purches a lord duelland to landwart to cum to the court of the burgh in preiudice or scatht of his nychtburis,' and if there were any confederation in the town by which the 'nychtburhede is wrangwisly greffyt or pur men oppressyt.' Most minute inquiries were made as to the enforcement of regulations on economic matters. Did the bailies cause the weights and measures to be duly examined, and did they keep the assize of

¹ *Ancient Laws*, i. 184.

² *Acts, Scotland*, ii. 36.

³ *Ibid.* ii. 50.

bread, ale, wine and fish. Did all the various officers—prisers of flesh, customers of the great and small customs, gaugers, troners, purveyors, ale-tasters—do their duty. Questions were also asked about the behaviour of those who supplied goods to the community—the browster wives, bakers, fleshers, millers, sellers of fish, shoemakers, skimmers, maltsters, saddlers, cooks, who kept flesh and fish in pastry too long, then heated it again and sold it ‘to the manifest deception of the people.’ The tailors were wont to offend by making ‘our mekill refus and schredis of mennis claith, whiles for greit haist and vther whilis for faut of cunningg . . . thai mak mennis garmentis otherwayis than men ordanis thaimself or biddis.’ Then it was necessary to ask if merchants coming to the burgh were properly treated or ‘hardlie’ handled so that they ‘leave thar cumming to burghs . . . to the damage of our Lord the King, and the manifest wrack of the communities of burghs.’ Those bugbears of mediaeval authorities, the regraters, who bought goods before the lawful hour, and the forestallers, who bought and sold gild merchandise which they had no right to use and other goods without paying custom to the king, were not ignored. The head burgh in each sheriffdom had the right of indicting all the forestallers in that district before the chamberlain, a right confirmed to Dundee in a quarrel with Montrose about the liberty of so doing in the sheriffdom of Forfar.¹

Some miscellaneous points were raised, whether the bailies had the burgh properly watched at night, and made the rich watch as well as the poor, whether they searched the town thrice in the year for casting out lepers, if there were any common slanderers unpunished, if strangers were kept longer than one night without some one giving pledge for them, if the fixed prices were kept.

The inquiry into the administration of the common good was one of the most important of the chamberlain’s functions. It was to be asked by the assize if ‘the comone purs be weil kept and even pertit as it sulde be,’ if ‘there be a just assedation and uptaking of the common gude of the burgh,’ and if it is bestowed in the business of the community, and, if not, who has got the profit. This seemed to include some inspection of the common property of the burgh. In Peebles and Haddington in 1330 the mills were being rebuilt at the command of the chamberlain.² These burghs had not yet got feu farm charters, and so the mills were still the king’s property. The act of 1491 reaffirmed the jurisdiction of the chamberlain, ordering inquisition to be taken yearly in his ayre of the expenses and disposition of the common good, and also at the same time forbade any of the yearly revenues to be set for more than three years.³ Later it was asserted that the chamberlain had probably given setts to the burghs or altered them, and that the convention, which was said to take his place in the superintendence of burghal affairs, had the same power.⁴

The chamberlain’s duties did not end with making inquiries, for he seems also to have assisted in making regulations, being present with the alderman,

¹ *Registrum Magni Sigilli*, ii. 139-40.

² *Exchequer Rolls*, i. 274, 302.

³ *Acts, Scotland*, ii. 227.

⁴ Morison, *op. cit.*, iii. 1861-3. The court decided that the Convention had no power to alter the setts of burghs.

bailies and council in Aberdeen in 1454, when several ordinances were made about bakers, fleshers, etc.¹ He was also entrusted with the duty of carrying out some of the legislation which affected burghs. He had to see that inns were provided in towns, that trons for weighing wool were set up in burghs,² to ask if the statute of 1424 about beggars was kept, and fine the alderman and bailies forty shillings if they had broken it.³ As late as 1524 it was ordained that the chamberlain and his deputies were to see that the acts about taking salt out of the realm were put into execution.⁴ Burgesses and merchants were not allowed to leave the country without permission of the king or the chamberlain.⁵

The judicial function of the chamberlain was not unimportant. Cases were referred to him from the burgh courts, and he was at the same time a judge ordinary,⁶ besides presiding in the court of the four burghs. He seemed to have jurisdiction in matters concerning the privileges of burghs, for, in 1478, in the action of the bailies and community of Inverkeithing against the Earl of Caithness about raising a petty custom in Dysart which was said to be within the freedom of Inverkeithing, it was decreed that in future anyone who prevented the lieges within the freedom of Inverkeithing from passing to the burgh and market was to be 'delit to the chamerlain Are' and punished.⁷ Mackenzie says that 'The Chamberlain was an Officer to whom belonged the judging of all crimes committed within burgh, and he was in effect Justice-general over the borrows, and was to hold Chamberlain Airs every Year for that Effect.'⁸ He was a supreme judge, and his sentences could not be questioned by any inferior court. Bailies had to answer before him in any question regarding the execution of their office.

It was not for want of a policy of supervision that the Scottish medieval burgh could fail to be a highly regulated and well-ordered community, where all wares were of good quality and sold at a just price, and every inhabitant got justice and no one oppressed his neighbour or defrauded the king. But, owing to the want of records, it is difficult to tell how far the chamberlain attempted to put these regulations into execution and how far his efforts were successful. From the point of view of burghal history, the most important side was the chamberlain's supervision of the disposal of the common good, and the decay of his office seems to have given an impetus to the process of malversation by which so much of the property of the burghs has disappeared. The act of 1469,⁹ which allowed the old council to choose the new and 'erected the standard of Despotism, where liberty had so long resided, and which covered the face of the country with the darkness and torpitude of slavery, in place of the light and spirit of freedom,' was said to open a wide door for the 'waste destruction and private pecu-

¹ *Aberdeen Burgh Register*, i. 390-1.

² *Acts, Scotland*, i. 499, 497.

³ *Ibid.* ii. 15.

⁴ *Ibid.* ii. 290.

⁵ *Ibid.* i. 509.

⁶ See *Aberdeen Burgh Register*, i. 372, 379-80, 400-2; and *Burgh Records of Peebles* (Scottish Burgh Records Society), 123-4, 129-30.

⁷ *Acts of the Lords of the Council in Civil Causes*, 12.

⁸ Sir George Mackenzie, *Works*, ii. 196.

⁹ *Acts, Scotland*, ii. 95.

lation of the common good,' because the burgesses had no longer the same control over their magistrates, the head courts, which had elected magistrates and auditors of accounts and prosecuted defaulters in the chamberlain's ayre, being no longer of the same importance.¹ The act of 1491 was probably passed in consequence of some alienations of property, and by this time the chamberlain's activity and authority may have been waning. The act of 1503 authorising the substitution of permanent tenures in feu farm for short leases, although it did not apply to burghal property, seems to have increased the mismanagement, and soon after it was passed the burghs began to get licences from the king to convert common property let under short leases into heritable estates to be held in feu farm, Edinburgh obtaining one of these in 1508.²

If the chamberlain had ceased to visit the burghs there was now no control over their administration—'when the Chamberlain ceased to carry the engines and the terrors of justice to the boroughs, their Magistrates no longer confined themselves within the line of their duty. They appear to have broken loose like felons from their fetters, and to have committed the most enormous waste and dilapidation of the property of the boroughs.'³ By 1535 the burghs were 'putt to pouertie waistit and distroyit in thair gudis and polecy and almaist Ruynous,' partly because people who were not resident had become magistrates, 'for thare awine particular wele In consummyng of the commun gudis of bwrrowis.' Therefore the provosts and officers were ordered to make yearly account in the Exchequer of their disposal of the common good. But this was not so effective a check as was an auditor who visited the burghs, the inhabitants could not travel to Edinburgh to challenge the accounts of their officers, and so the dilapidation of the common property continued.

Here the chamberlain's administration seems to have had some result, but it is difficult to draw any general conclusions from the scanty existing material. Nevertheless, the existence of such an officer with such functions shows an attempt to secure good administration in the burghs and to maintain the connection of the king's burghs with the crown, and it may also have made more possible the union of the burghs in their burghal assembly.

¹ *State of the Evidence contained in the Returns to the Orders of the House of Commons . . . By the London Committee for conducting the Regulation of the Internal Government of the Royal Burghs* (1791), 19-20.

² *Report of the Commission on Municipal Corporations, 1835-6. General Report, 23; Local Reports, 13.*

³ *An Illustration of the Principles of the Bill Proposed to be Submitted to the Consideration of Parliament, For correcting the Abuses and Supplying the Defects in the Internal Government of the Royal Boroughs . . . By the Committee of Delegates* (1787), 48-54.

Reviews of Books

THE MINORITY OF HENRY THE THIRD. By Kate Norgate. Pp. xii, 307. 8vo. London: Macmillan & Co. 1912. 8s. 6d. net.

THIS volume is a further continuation of Miss Norgate's history of England under the Angevin kings. Taken as a whole the history is the most important English contribution to the narrative style of writing upon our medieval politics. It is more critical than the work of Freeman, more interesting than Sir James Ramsay's, more up-to-date and accessible than Pauli's, and fuller than the valuable though neglected history of England 'during the early and middle ages,' written by C. H. Pearson. Although this style of writing is common on the continent, it has of recent years been discarded by most English scholars. Under the stress of specialism, our scholars prefer the medium of commentary and detailed criticism. Mr. Round's *Geoffrey de Mandeville* was, in this as in other respects, an epoch-making book. This necessary concentration has its danger, and Miss Norgate has resisted the tendency. That she is not indifferent to it her articles in the *English Historical Review* and the thirty pages of notes in the present volume testify.

A new narrative of the early years of Henry III. was needed. A great deal of work has yet to be done upon this period, so important in legal and constitutional history; and students will find much preliminary help in this connected story. The memorable points in it are, first, the proof that the papal legates did not unduly interfere in the administration, and, secondly, that there was less to choose between Hubert de Burgh and his enemies than is commonly supposed. As her pages on William the Marshal show, Miss Norgate is a hero-worshipper; and, if it is difficult to follow her in her half-concealed admiration for King John and Falkes de Breauté, it is a real pleasure to have her attractive portrait of Pandulf. The depreciation of Hubert de Burgh is not so convincing, because it is conveyed in asides. What was needed was a candid examination of the charge that Hubert was working to destroy the Charter. The value of this latter part of Miss Norgate's book lies in the general impression which the reader gets from the chronological account of the king's gradual emancipation. One sees how casual the disorder was, how easily and naturally suspicion was aroused, and how gossip and backbiting made difficulties and formed parties in Rome as well as in England. It is strange, however, that Miss Norgate makes no use of the documents edited by Dr. Gasquet in his book, *Henry III. and the Church*.

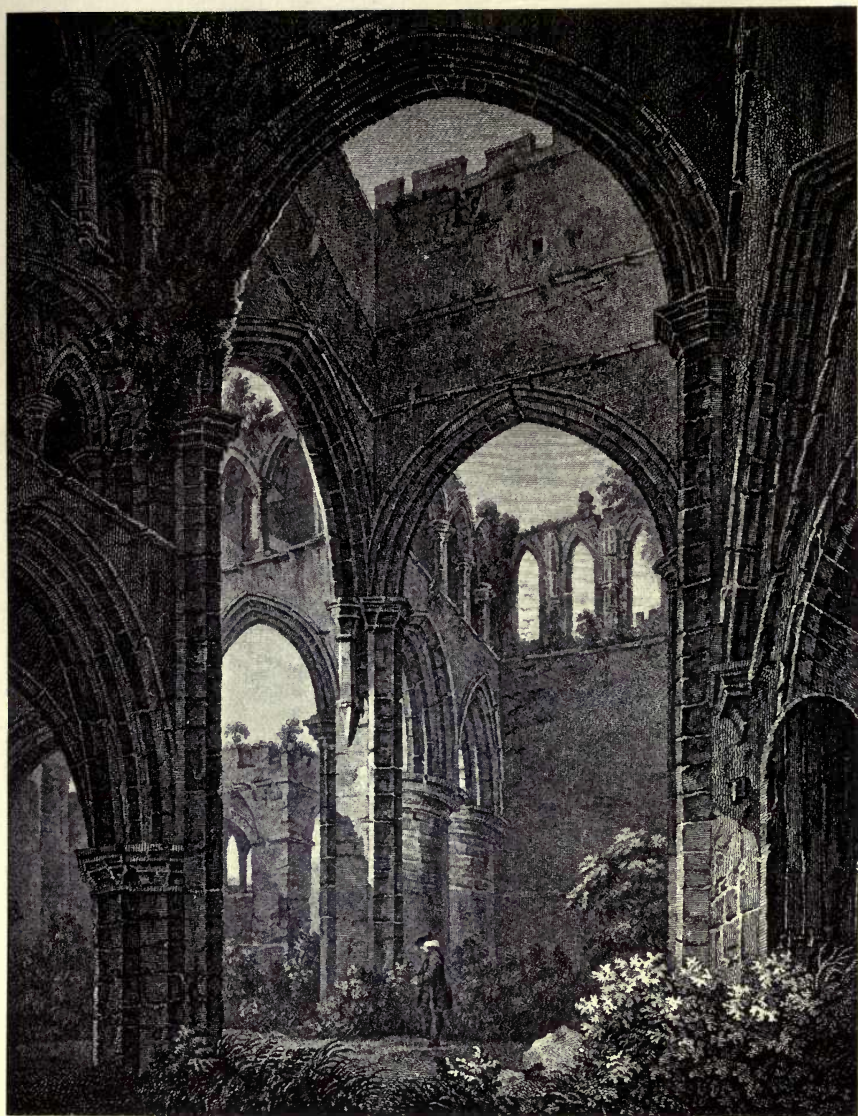
Among many matters of more detailed interest may be mentioned the

account of Irish government (pp. 84-5, 218-9), the analysis of Poitevin politics, and the notes upon the treaty of Kingston (p. 278), the royal castles in 1223-4 (p. 290), and Bedford castle (p. 293).

It is obvious that some of Miss Norgate's criticism, covering as it does such a wide field, should provoke discussion. The sixth note (pp. 281-6) needs most exhaustive treatment before it is regarded as conclusive. In the next note (pp. 286-90), the author shows clearly that the papal letters included in the Red Book of the Exchequer are in reality the letters of Honorius III. and not of Gregory IX.; she also makes the interesting and very probable suggestion that the Archbishop of Canterbury had begun to exercise influence at Rome. But it is difficult to see why she does not connect all the papal letters of this year with the same cause. The pope, in addition to the general letters preserved in the Red Book, wrote to the prelates on his policy, and also to the four most important men in England demanding the surrender of their castles to the king. There is nothing puzzling about this procedure, especially if we accept the view that the archbishop was offering advice at Rome. Similarly, Miss Norgate's difficulty about the dates of publication seems to be due to the fact that she overlooks the distinction between a council meeting in the narrow sense and the great meeting at the Christmas feast at Northampton. True publication could only be made at the latter.

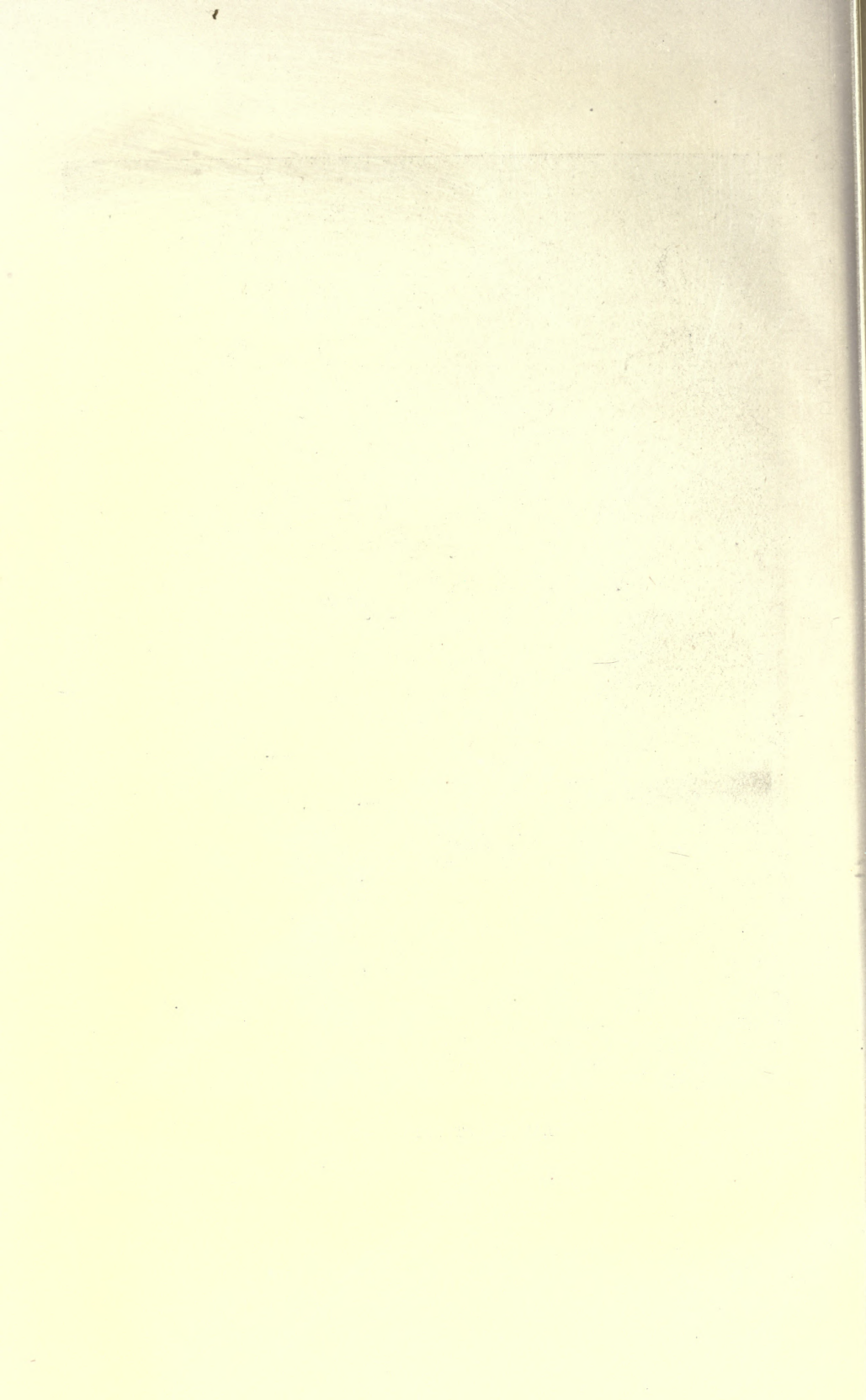
The battle at Lincoln is as thorny a subject as the battle of Hastings. Like her predecessors, Miss Norgate is more successful in attacking the views of others than in constructing her own. She seems to fail just in so far as she refuses to face the literal meaning of her authorities. If there is a 'real difficulty' (p. 275) it is of no use to construct a theory which disregards it. Either she must repudiate the account in the Marshal's life or explain all the alleged facts. As is usually the case, a bold acceptance of the harder interpretation is probably the easiest course in the end. Personally, I think that the story of the Bishop of Winchester's reconnaissance must be accepted. The bishop commanded one division, and it is not necessary to suppose that his action was dependent upon the movements of all the other divisions. But if the story be accepted, it seems necessary to believe that the blocked gateway which the bishop noticed lay to the south of the keep, and that he ordered its demolition because he wished to strengthen the position of the castle by breaking through the wall which connected it with the city.

On minor points Miss Norgate creates unnecessary difficulties by translating the word *tor* (turreis) in different ways. As she herself translates on p. 37 (*Guill. le Maréchal*, l. 16490) the *tor* was the keep, and there is nothing strange in sending men up the keep to look for ambushes (p. 39, note). She makes the same error a few pages earlier in identifying the keep and castle at Winchester and Farnham (pp. 26, 29). In the latter case the 'castle,' as distinguished from the outer bailey, did not mean the keep, but the castle proper or citadel. In later developments, as at Harlech, the contrast between the outer walled enclosure and the massive fabric of the inner bailey is obvious. But before this development a distinction was drawn (e.g. *Rot. Scacc. Norm.* i. 110, 'in . . . muro ad excludendum baillium



LANERCOST PRIORY CHURCH

From Drawing by T. Hearne, F.S.A. 1780.



a Castro,' at Neufchateau-sur-Epte). In this sense the 'castle,' as opposed to *turris* and outer works, seems to correspond to the *corpus* of William the Breton (*Phil.* xi. 460) and to *li cors dou chastel* (see Viollet's note in the *Établissements de Saint Louis*, i. cc. xlii, lxx.).

It is not possible to discuss all the points of interest which I have noted; a few criticisms must suffice. On p. 64 the Marshalship of England is erroneously described as a Grand Serjeanty. On p. 130, note, though Miss Norgate rightly corrects the annalists who say that Hubert de Burgh was made justiciar in 1219 or 1220, she omits to mention that Hubert did become specially responsible for the king and government immediately after the Marshal's death. The attestations in the Close Rolls should be connected with the story told by the Marshal's biographer about Peter des Roches' attempt to claim the person of the king. With a very few exceptions the justiciar attests, with or without the bishop, from 20 April, 1219 (*Rot. Claus.* i. 390). I think that the annalists realised that an important change had taken place in Hubert's position. It is possible that Pandulf's letters to the treasurer and vice-chancellor also refer to the same attempt of the bishop. Between 10-20 April and very occasionally afterwards the bishop ordered the payment of money out of the treasury. The legate was very possibly attacking this practice. In p. 148, note, I doubt if Miss Norgate proves her point; the sheriff—not the castellan, was responsible for expenditure upon repairs. The 'confusing note' in the Patent Rolls mentioned on p. 184, note, probably gives the sense, not the words, of the addition to the letters; after the letters had been written, another copy with a slight change was made and sent, in view of the fact that the Earl of Gloucester's preparations had developed into action. On pp. 233, 288, Miss Norgate is much too positive upon the question of treason and private warfare. The fall of Falkes de Breauté is in reality an important case in the development of English ideas, not a mere illustration of them. The difference between *proditio* and *diffidatio* is well seen on p. 165. It is precisely this kind of point which is missed by the narrative writer. Similarly it was impossible for Miss Norgate, without overloading her book, to go into the very important questions of the interpretation of the Charter in the law courts (pp. 186, 198 note), and of the equitable jurisdiction of the king's council (p. 96). Yet these were the years of Patteshull and of many of those cases which, in Bracton's view, made the law of England.

It is to be hoped that Miss Norgate will carry on her history until the Barons' War. She would add greatly to the many obligations under which she has already placed historical students.

F. M. POWICKE.

THE CHRONICLE OF LANERCOST, 1272-1396. Translated with Notes by the Right Hon. Sir Herbert Maxwell, Baronet. Pp. xxxi, 357. With nine Illustrations. 4to. Glasgow: James MacLehose & Sons. 1913. 21s. net.

SIR HERBERT MAXWELL has added, in this volume, another item to the debt of gratitude which students of Scottish history owe him for his labours on the early chroniclers of the affairs of the country. The translation does

not cover the whole of the MS. styled *The Chronicle of Lanercost*: the earlier part from 1201 to 1272 has been omitted as it does not contain much of any matter germane to the history of Scotland.

The *Chronicle* has for long been, if not a perfect mine of information for historians, at least a useful granary from which to cull many interesting facts: these, however, require to be correlated with other accounts of the same incidents, as the chronicler can hardly be depended on as a perfectly sane or impartial historian. Indeed it is very much otherwise: his anti-Scottish bias proclaims itself in almost every sentence in which he has to do with that, to his mind, most detestable of people. And we can perhaps hardly wonder at his attitude: the north of England suffered severely from the many incursions from across the border. And an inhabitant of the former district would require to be more than human if he did not resent, and resent keenly, the devastation wrought by the enemy, the laying waste of the country, the destruction of the crops, and the carrying off both of women and cattle. He has, however, his consolations, and he is able to record some shrewd knocks which the invaders received at the hands of his countrymen, notably at the battles of Halidon Hill and Durham.

The question of the identity of the author of the *Chronicle* has always been a matter of dispute. Father Stevenson, who edited the Latin version of the *Chronicle* for the Maitland and Bannatyne Clubs in 1839, was of opinion that it was the work of a Minorite Friar of Carlisle. But prefixed to the present edition there is a long and scholarly chapter by the Rev. Dr. James Wilson of Dalston, in which he favours the idea which has generally been held that this book was written in the Augustinian Priory of Lanercost, by one of the canons or a succession of them.

The editor evidently considers the question as still a more or less open one, but whatever may be the truth the *Chronicle* will probably always be known under the name of that of Lanercost.

The author or authors did not, it must be confessed, possess any great literary style: there are many repetitions, the same incident being told twice over, generally with more detail in the second telling, a circumstance which leads Dr. Wilson to think that the work was not a continuous one but that events were jotted down as they occurred, and if a fuller account of them came to hand afterwards it was inserted without the first notice being deleted. Whoever wrote the book he must have been, as Bishop Dowden somewhere observes, 'a credulous gossip.' We should no doubt be grateful to him for certain historical information, some of which is accurate, and some at all events useful as showing the impression the events of the time made on a North of England ecclesiastic from the information he could collect. But it must be confessed that a great deal of what we are told is rubbish, and rubbish of a sort that makes us wonder how any educated man, even in the thirteenth or fourteenth centuries, could possibly believe it. Many of the preposterous stories which he tells have not even the merit of making virtue triumphant over vice, and as often as not the good man gets the punishment while the bad one escapes free. The author does not spare his own cloth, and though perhaps his strong national bias may have led him to believe the unlikely and horrible story about the parish

priest of Inverkeithing, given on p. 29, he does not in other instances spare even English ecclesiastics who had transgressed the laws of the Church and of common morality. But of most of the stories told in the *Chronicle* it may be said that they are gross and unscrupulous falsehoods, and as the translator remarks in a note, 'it is not easy to understand how,' when its doctrines were enforced by such fictions, 'Christianity retained its ascendancy among reasonable beings.'

Notwithstanding all this we read the *Chronicle* with interest not unmingled with amusement. The author was a quaint creature by no means destitute of humour. His work is full of puns, no better than puns generally are, and, of course, untranslatable from the Latin. He, or a friend whom he generally calls H., bursts into song from time to time in rhymed Latin verses, of which the spirit and humour has been wonderfully well caught by the translator. There is little doubt that the poet of the *Chronicle* was Henry de Burgo, who was elected prior of Lanercost about 1310 and died in 1315. But it was when he was a young canon that he wrote most of his verses, and his muse appears at its best between 1280 and 1290. He seems to have considered it as not quite befitting the dignity of a prior to write humorous verse, and at all events none assigned to him appear after his elevation to the priorate, and the *Chronicle* is devoid of all poetical contributions after the date of his death.

Enough has been said to show that in this volume there is a rich feast for the delver in forgotten byeways of history. The editor has supplied many notes of such assistance to the elucidation of the text that we could have wished even more of them.

The volume has several excellent illustrations in the shape of views of Lanercost Priory, Hexham Abbey, and the Cathedrals of Durham and Carlisle. A page also of the original MS. has been reproduced in facsimile, and shows it to be a singularly well written and legible manuscript.

The *Chronicle* in its present shape makes a large and handsome volume, printed in the most legible of type and with generous margins. Such a get-up adds much to the comfort of the reader.

J. BALFOUR PAUL.

HISTORY AND HISTORIANS IN THE NINETEENTH CENTURY. By G. P. Gooch. Pp. 600. 8vo. London: Longmans, Green & Co. 1913. 10s. 6d. net.

MR. GOOCH'S book is an expansion of his article on Historical Research in the closing volume of the 'Cambridge Modern History.' Its object, according to the preface, is 'to summarise and assess the manifold achievements of historical research and production during the last hundred years, to portray the masters of the craft, to trace the development of scientific method, to measure the political, religious, and racial influences that have contributed to the making of celebrated books, and to analyse their effect on the life and thought of their time.' The courage and ambition of this ideal are enhanced by the fact that no such survey has been attempted in any language.

A rather brief introduction takes stock of the progress of historical

research previous to the nineteenth century. 'The true starting-point of modern history is the Renaissance, which produced a secularisation of thought. 'Petrarch and Boccaccio were the fathers of modern historiography.' But secular studies were soon engulfed in the whirlpool of confessional strife. From such religious preoccupations historians were not free until the eighteenth century. 'The task of collecting material was rapidly pursued, a more critical attitude towards authorities and tradition was adopted, the first literary narratives were composed, and the first serious attempts were made to interpret the phenomena of civilisation.' But the spirit of the *Aufklärung*, the want of critical faculty in dealing with the value of authorities, the absence of teaching, the difficulties, both physical and political, attending access to documents, and the attitude of the Roman Catholic Church still hampered the historian. 'For the liberty of thought and expression, the insight into different ages, and the judicial temper on which historical science depends, the world had to wait till the nineteenth century, the age of the Second Renaissance.'

The historical activities of this age are traced in twenty-eight chapters. The first eight are devoted to German scholarship from Niebuhr to Ranke and his contemporaries, the impelling motive of their work being the romantic movement, the wars of liberation, and the rise of the German Empire. 'In the making of the German Empire no small part fell to the group of Professors who by tongue and pen preached the gospel of nationality, glorified the achievements of the Hohenzollerns, and led their countrymen from idealism to realism.' The six chapters assigned to France deal with the rise of historical studies, the 'romantic' school of Thierry and Michelet, the 'political' school of Guizot, Mignet and Thiers, the Middle Ages and the *Ancien Régime*, the French Revolution, and Napoleon. English historians to whom six chapters are also allotted begin with Hallam and end with Maitland. The United States, Minor Countries, Mommsen and Roman Studies, Greece and Byzantium, the Ancient East, the Jews and the Christian Church, Catholicism, and the History of Civilisation (*Kulturgeschichte*) are each discussed in separate chapters.

As the book is primarily addressed to what Mr. Gooch would call the 'Anglo-Saxon' world, the proportion assigned to England is not excessive. The contribution of Scotland to historical studies is summed up in one sentence: 'Detailed narratives of Scottish history have been compiled by Burton, Andrew Lang, and Hume Brown.' Apart from the unhappy phraseology, the enumeration of Scottish historians is singularly inadequate. Omitting living writers, Mr. Gooch might have found room for at least Thomas Thomson, Joseph Robertson, E. W. Robertson, McCrie, Skene, Cosmo Innes, and Tytler. The last is merely mentioned in connection with the Records Commission, and his name does not appear in the index. Yet Tytler's constant references to unpublished material at a time when access to the public archives was still difficult renders his *History of Scotland* even to-day, in spite of its cumbrous style, an important authority. Mr. Gooch tells how Ranke's 'discovery of the difference in the portraits of Louis XI. and Charles the Bold in *Quentin Durward* and in Commines

constituted an epoch in his life.' Yet Scott's influence was not limited to Ranke, and in his own country, by founding the Bannatyne Club, he gave a great impetus to research. Further, one would like to know something of those fifty writers on Mary Queen of Scots who, according to Lord Acton, 'have considered the original evidences sufficiently to form something like an independent conclusion.' Comment on this aspect of Mr. Gooch's book would have been superfluous were it not somewhat typical of the attitude of English writers to Scottish history and Scottish historians.

No one can peruse this volume without being impressed by the vast range of the author's knowledge of historical literature. This knowledge he carries lightly: the book is the product of enthusiasm. Excellent character sketches are given of eminent historians, and each important work is critically analysed and its value assessed. Mr. Gooch writes with sound judgment and strict impartiality, and only an occasional reference to 'the people' shows his own predilections. The verdicts he passes are, in general, those which have commended themselves to students in the past; and if they are therefore less suggestive, they invite the reader's confidence when he is introduced to less familiar parts of the subject. The style is clear and straightforward; but in the latter half of the book, which tends to become a mere *catalogue raisonné*, it suffers from an excessive use of stock adjectives and phrases. This was hardly avoidable in a comparatively small book of six hundred pages. Nevertheless, had Mr. Gooch expanded the paragraph dealing with general features which usually begins a chapter he might have got over this difficulty, and more adequately fulfilled Lord Acton's idea of connecting the historical scholarship of the century 'with the political, religious, and economic thought throughout Europe.' As it is, Mr. Gooch may be congratulated on having provided the student with a unique guide to the historical literature of the world.

HENRY W. MEIKLE.

A HISTORY OF WITCHCRAFT IN ENGLAND FROM 1558 TO 1718. By Wallace Notestein. Pp. xiv, 442. Cr. 8vo. Washington: American Historical Association; and London: Henry Frowde. 1911. 6s. 6d. net.

AN assistant professor in Minnesota University, Mr. Notestein wrote his essay as a thesis for a doctorate in philosophy, and found in course of it the necessity of a chronological survey of witch trials. Accordingly it is on a list of cases (the abbreviated bibliography of the reports, etc., of which fills an appendix of 70 pages) that the work was based, gaining in its final form the H. B. Adams Prize of the American Historical Association for 1909, and now appearing in a compact volume closely referenced and well indexed. It reflects great credit on the author by its extent of research, careful narration, sound judgment and moderate standpoint and tone. The opinions are for the most part no echo of other men's thought, but are independent inductions from a wide range of English witchcraft literature and record, not inclusive, however, of MSS. sources.

Completely in contrast with M. De Caumont's *La Magie et la Sorcellerie en France* recently reviewed (*S.H.R.* x. 309), the book trusts little to broad theories of credulous occultism, but seeking always the solid ground,

and restricting its scope by bounds both of area and time, draws its matter from first-hand published records, and builds up its inferences with due regard to the canons of historical criticism. M. De Cauzon shirked almost entirely the certain and pervasive presence of deliberate deception; throughout he gave rein to faith. Mr. Notestein, making full allowance for the psychology of disease, is alert to discover the manifold signs (very frequently seen by contemporaries) of interested imposture, and too often of active malice. The result is that as against the haze of credulity, which in the French study obscures and deprecates examination of phenomena, the concrete certainties of the American monograph stand out firm in a close foreground of hard clear light. The Frenchman had compensations from his broader canvas, but while the American suffers a little from insularity (one might sometimes think he had forgotten the continent of Europe, and shut his eyes to the Middle Ages), we gain much more from his ultra-fidelity to English boundaries. His chronological system is excellent, mapping the course with landmarks, prominent in which are Elizabeth's statute of 1563, the bold scepticism of Reginald Scot in 1584, followed by Harsnett in 1599, the beacon fires piled higher when the demonologist James VI. came to the united throne, and the fluctuations of the public mind under the later Stuarts, until the last gleam of the ancient faith flashed in Glanvill's *Sadducismus Triumphatus* in 1681. The latest execution in England is said to have been in 1682.

A sorry record of ignorance and cruelty, to be sure, the collection of trials makes, but the monotony is broken by the humanity and acumen of pioneer rationalists, who broke the keys of superstition, and sometimes brightened literature with their wit. The survey is comprehensive and searching, yet its exclusion of the Continent from view seems at times to distort the perspective. For instance, on the question of the relative tendencies of Presbytery and Prelacy, and of Scotland and England, towards witchcraft prosecutions, it is right to remember that the *Demonologie* of James VI., was, with all its sequel, a feeble reflection of the far grosser manifestation of bigotry and persecution in France. The theory of the Covenant with Satan should have been explained, and the fact brought out that it superseded the feudal conception of Homage, of which the mark used to be reckoned the sign. Sexual elements in the creed should not have been virtually ignored, and the witch Sabbath should have been at least described. Indications of awakening scientific opinion on the subjective nature of the phenomena might have been correlated with the views of continental thinkers. We should gladly have heard more of the discussion on the revival of the water-ordeal. We should also have been glad to learn what specialty there was in English witchcraft not common to the cult in Europe. Such specialties must have been few: was thatch-burning one?

The few desiderata hinted at above are far more than balanced by the amplitude of details and inferences actually given, notable among which are the proofs of fabricated charges, of the contagion of craze, of the pressure and torture of victims to make them confess, and of the fact that most of the witches came from the degraded and criminal ranks, although the established instances of prosecution of better-class people from sheer malice

were not few. The essay, a capital short story of England's share in the great illusion of the witch, is excellently suited for precise reference as well as for general information. It adds Mr. Notestein's name to the honour list among the capable, diligent, and cultured students who are steadily establishing the reputation of American research in English history.

GEO. NEILSON.

EPHEMERIS EPIGRAPHICA, CORPORIS INSCRIPTIONUM LATINARUM SUPPLEMENTUM. Edita jussu Instituti Archaeologici Romani, cura Th. Mommseni (+), O. Hirschfeld, H. Dessau. Vol. ix. Fasciculus quartus. Insunt F. Haverfield, Additamenta quinta ad Corporis vol. vii. (pp. 509-690); H. Dessau, Miscell. Epigraph. (pp. 691-706); Indices (pp. 707-763). Berolini: Typis et impensis Georgii Reimeri. 1913.

THIS issue of the *Ephemeris Epigraphica* is of the highest interest and importance to all students of Roman Britain. Exactly forty years have elapsed since the seventh volume of the *Corpus*, containing the British inscriptions, was published under the editorship of Huebner. Supplements appeared in 1876, 1877, 1879, and 1889—the first three by the original editor, the last by Professor Haverfield. Since 1889 much has happened. The number of inscriptions has been largely added to. Excavation at home and abroad, coupled with comparative study, has not only supplied fresh problems, but has substantially increased the resources available for solving them. Lastly, the breathing-space of twenty-four years has enabled Professor Haverfield to undertake a systematic survey of the whole of the original body of material.

The present supplement, therefore, edited with a competence and a sureness of touch which there is no gainsaying, is much more than a repertory of recently discovered inscriptions. These we have in abundance—from Caerwent, Chester, Housesteads, Corbridge, Birrens, and other sites in England and in Scotland—and in some cases the information they convey is very illuminating. But, alongside of these and of the masterly commentary that accompanies them, we get the results of Professor Haverfield's searching revision of Huebner's work. Readings have been verified or corrected, questions of *provenance* have been more thoroughly investigated, and manuscript sources of information have been re-examined at first hand, the huge mass of facts being arranged and set out with the succinctness and orderly care that characterises the *Corpus* generally. Another feature, which is more of a novelty, is particularly welcome. The editor has taken the opportunity of summarizing, at appropriate points, the state of present-day knowledge regarding the Roman occupation of various parts of Britain. His treatment of Wales and of the Antonine Vallum are cases in point. As full references are given, such authoritative summaries are very valuable.

The only other contribution to the present *fasciculus* consists of a brief discussion by Professor Dessau of two questions relating to Thracian royalties. In view of its special character, this hardly calls for notice here. But it should not be forgotten that Dessau has also acted as general editor. We

gather from the prefatory note that the *fasciculus* has been two years in passing through the press. This has had its advantages, as it has rendered possible the inclusion, in an Appendix, of discoveries so recent as some of those made in the autumn of 1912 by the Glasgow Archaeological Society at Balmildy. That it has also had its drawbacks, Professor Haverfield himself would probably be the first to admit.

GEORGE MACDONALD.

LORD DURHAM'S REPORT ON THE AFFAIRS OF BRITISH NORTH AMERICA.

Edited with an introduction by Sir C. P. Lucas, K.C.B., K.C.M.G.
Three volumes. Vol. 1, vi. 335; Vol. 2, 339; Vol. 3, 380.
Demy 8vo. Oxford: Clarendon Press. 1912. 28s. 6d. net.

STUDENTS of colonial history will welcome the appearance of Sir Charles Lucas's work on Durham's *Report*. The new edition consists of three distinct parts: An historical introduction to the *Report*, which provides perhaps the best summary we have of Canadian history about 1837; the *Report* itself, with foot-notes of great value to the student of Canadian history; and a selection from the appendixes to the *Report*. By the courtesy of the Dominion Archivist, Sir Charles Lucas also has been able to give us, as new and hitherto unpublished matter, a most interesting account of the Durham mission, written by Durham's right-hand man, Charles Buller. Captious criticism may ask why all the matter contained in the original appendixes was not printed; but the bulk of the rejected secondary material, great in proportion to its real value, seems to justify the plan of selection, and it was certainly a matter of the very first importance to all students of social conditions in Canada to have, in some form more accessible than the original Parliamentary Paper, such fundamental documents of colonial history as Charles Buller's Report on Public Lands and Emigration, or that of the Assistant Commissioners on Municipal Institutions.

The editor wisely spends little time on discussing the authority of the *Report*, but, in speaking of the influence exerted by Charles Buller on Durham, he makes a suggestion of some interest: 'It may well be that Buller had a large share in forming his (Durham's) views, and in enunciating them in such clear and forcible terms; and Buller, it will be borne in mind, was a pupil of Carlyle. There is a strong savour of Carlyle in the attitude which the *Report* adopts towards the French-Canadian nationality. There is no Whiggism whatever in it, no trace of *laissez-faire*. Lord Durham was a democrat after the type of Cromwell, and few State documents ever embodied so strong a policy as is contained in his *Report*' (i. 132). But Durham's native impetuosity and vehemence of spirit required no assistance in such matters, even from Chelsea.

The edition has a certain timeliness in view of recent events in Canada, and Sir Charles Lucas has given piquancy to his introduction by connecting the question of Canadian autonomy with that of Irish Home Rule. Indeed, throughout the introduction, one feels how fresh and living are the matters discussed so boldly in the great *Report*. Between 1837 and 1867, Canada passed from administration by what the editor aptly calls 'a Crown colony office' to something perilously near independence. It was a time of hesita-

tion, imperfect foresight, and dangerous error, and nothing but the good fortune which gave Britain in quick succession Durham, Sydenham, and Elgin, as governors in Canada, could have saved England from a second Declaration of Independence in America. Sir Charles Lucas has brought out with admirable lucidity, not merely Durham's foresight and audacity in imperial matters, but—a point seldom noticed—the limitations he dreamed of imposing on Canadian self-government: 'The contention of Lord Durham's *Report* was that a clear line could be drawn between matters of imperial and matters of purely colonial concern, and that in regard to the second class of questions, those of colonial concern, the colony should no longer be a dependency.' In contrast with this very provincial independence, which Durham planned, Sir Charles Lucas makes it very clear that the autonomy which was the key-note of the *Report* has gradually expanded until the only supremacy acknowledged by Canada is that of tradition, culture, and sentiment. 'The broad fact remains that the Canadian self-government of to-day is not what Lord Durham recommended, *and the Canada of to-day is more nearly an allied than a subordinate nation.*' It is well to have the problem of the limits of autonomy proposed in connection with the *Report*, for modern Canadian history, which began with Durham's *Report*, has never moved far from this central question. Among his other criticisms of Durham, Sir Charles Lucas seems hardly fair in blaming Durham for being blind to a possible dominion 'from sea to sea.' 'The territories of the Hudson's Bay Company, the North-West, the Pacific Coast were not within the scope of his mission, but yet they need not have lain beyond his horizon.' But politics, unlike speculation in general, deal with facts and possible facts. Durham dealt with matters urgently calling for settlement; other things even in British North America were irrelevant; and even as it was, he was almost too far ahead of his contemporaries in Imperial ideas.

The introduction, however, is a most admirable piece of work, and one may say of the work as a whole that it is well to have, from one who combines, as the editor does, the knowledge and responsibility of a high official in the Colonial Office with the candour of the historical student, this definitive edition of the greatest blue-book of the Victorian era. Apart from the possible objection, alluded to above, that Sir Charles Lucas should have withheld none of the original appendixes, the only criticisms which the student of Canadian history will pass are, that the third volume is too important to be left unindexed; and that maps of Lower and Upper Canada, at the time of the Durham mission, would have assisted those who possess only maps of the modern Dominion.

J. L. MORISON.

THE MODERATORS OF THE CHURCH OF SCOTLAND FROM 1690 TO 1740.

By the Rev. John Warrick, M.A. Pp. 388. With six Portraits. Demy 8vo. Edinburgh: Oliphant, Anderson & Ferrier. 1913. 10s. 6d. net.

WHILE the author of this volume has not altogether escaped the tendency of the ecclesiastical historian to overestimate the political importance of his subject, still the biographies of the twenty-seven moderators of the Church

of Scotland of which it consists furnish varied, if not in all cases very inspiring reading. The lives of the men here treated of go back in most instances to the period of storm and stress before the Revolution, but the fifty years with which the book specially deals are the early part of what has been well called 'the age of secular interests.' The Church was no longer supreme. Economic forces were coming to the front, and Scotland was awakening to take an active part in the development of her material resources, and was claiming and obtaining a growing share in the commerce of the world. Ecclesiastical history, while with us always important, no longer covered the field. The age of persecution being past, the trend in the direction of 'ease in Zion' became more visible. Grim and uncompromising determination gave place to less denunciatory and more tolerant views. Sermons are preached, but few are published. The age of moderatism draws on.

The first twelve lives are those of ministers who had all suffered in the struggle on behalf of Presbyterian church government, and it is not until the year 1709 that a moderator who had not taken part in the conflict is met with. The Church was wont, then as now, to put into the chair of the Assembly men of years and discretion, and thus to give her highest honour to those who had served her well through good report and ill.

Opening the volume at the biography of John Law, whose portrait, reproduced by permission of the authorities of the Church of Scotland, forms one of the six contained in the book, the reader is introduced to a moderator who had been a prisoner for conscience' sake in the Tolbooth of Edinburgh and also on the Bass Rock. The grandson of Archbishop Law of Glasgow, and the son of the pro-Episcopalian minister of Inchinnan, Law might have been expected to follow the family in his ecclesiastical outlook. It was not so, however; he became a stalwart of the stalwarts on the Presbyterian side, and on the deposition in 1656 by the Protesters of Mr. Archibald Dennistoun, minister of Campsie, he was ordained to that parish. After his release from prison, he spent some time in Holland along with his friend Erskine of Carnock, who often refers to him in his *Diary*. He became moderator in 1694. The present reviewer has seen recently in the possession of a direct descendant a series of family portraits said to be of the Law family, comprising the Archbishop, John Law, the moderator, and Mrs. Law, and their son, Professor William Law of Edinburgh, and also John Law of Lauriston, known as 'Mississippi Law.' The moderator's portrait is the same as the one reproduced in Mr. Warrick's volume.

The author has gathered his materials from many sources, and has succeeded in giving bright and interesting sketches of the lives of the twenty-seven ministers whom he brings before the reader. Mr. Warrick passes lenient—at times too lenient—judgment upon the subjects of his biographies in cases where they did not rise above the ignorant prejudices of their age.

The work, however, has, as a whole, been carried through with care and accuracy, and it was well worth doing. The book would be more pleasant to read were the references to authorities relegated to the foot of each page instead of being incorporated in the text.

JOHN EDWARDS.

WILLIAM PITT AND NATIONAL REVIVAL. By J. Holland Rose, Litt.D. Pp. xii, 655. With four illustrations. 8vo. London: G. Bell & Sons. 1911. 16s. net.

WILLIAM PITT AND THE GREAT WAR. By the same. Pp. xvi, 596. With five illustrations. 8vo. London: G. Bell & Sons. 1911. 16s. net.

THE importance of Mr. Rose's life of Pitt has been generally recognised. The author's discrimination and sense of justice, his industry, his great knowledge of the diplomatic history of Europe during Pitt's career, his easy and gently effervescent style, have given him a prominent place among our contemporary historians, and made his lengthy work agreeable to all classes of his readers. It is one of his merits as a writer that his defects are on the surface. We are sure of his honesty and accuracy, and have no difficulty in recognising his faults. They are the faults from which historians, engaged upon a great and complicated theme, can rarely escape, unless they are either possessed by a powerful imagination or actively engaged in public affairs. Mr. Rose is sometimes over-subtle, and sometimes unduly credulous. As our military and naval writers have pointed out, he is weak and untrustworthy when he attempts to gauge a strategic situation, and the same absence of insight and vigour mars the general arrangement of his book. His knowledge is not sufficiently under his command and does not always lie behind his judgment, so that his most considered statements have often no more influence upon the reader than has a casual remark. His undistinguished writing is due to the same quality of industry under imperfect control. As George Meredith said of the earlier book on Napoleon, the style flows with its much matter. Hence Mr. Rose makes his readers more ambitious for him than he is for himself. Judged by our usual standards, the work is excellent; but it is impossible not to wish that a book so solidly based and concerned with such a magnificent subject had been great history.

The first volume deals with Pitt in the period of enlightenment. The significance of the eighteenth century as an age of reason has of recent years become much more real to us. It is in some ways a tragic story, for the friends of enlightenment frequently struck the most effective blows in the cause of darkness. In the history of Ireland during a quarter of a century, between 1770 and 1795, we have the struggle reflected as in a mirror. The failure of Fitzwilliam's vice-royalty meant far more than the failure of Grattan's Parliament: it marked the close of a contest for religious liberty, parliamentary reform, and imperial sentiments in Ireland. And just as Fox, by his opposition to Pitt's commercial proposals in 1785, helped to bring about the failure in Ireland which he feared, so he hurried on the political catastrophe which forced Pitt to become the leader of the new Toryism. The studies of Mr. Winstanley upon Chatham and of Lord Fitzmaurice upon Shelburne have shown clearly that Burke and Fox and the more liberal Whigs helped to create rather than to hinder the divisions which obscured the real cleavage of parties in England until 1834. From the date of the Tamworth manifesto Englishmen may be said to

have fallen into intelligible groups, but these groups might have formed themselves fifty years earlier, if the Rockingham Whigs had realised the greatness of Chatham, and if Fox had withstood the temptation to unite with North. The King would have been put in his proper place, Parliament would have been reformed, religious and colonial liberties defined, and party divisions gradually created on the all-important questions of local and central government, and the future commercial and agricultural policy of the British Isles. A study of Mr. Rose's pages makes one feel very doubtful whether even the French Revolution need seriously have ruffled the surface of political life in England.

It is regrettable that, since Mr. Rose set himself to write the history of England as well as the life of Pitt, he did not penetrate further into the cause of Pitt's failure to resume his father's task. He reminds us that the union of North and Fox had, in Place's opinion, killed the London Society for Promoting Constitutional Information, and that growing discontent was easily allayed by the satisfaction which the country felt with the new Minister (pp. 205, 206). He shows us the personal weakness of Pitt, his indifference to inquiry, his ignorance and exclusiveness, his preference for the administrative side of politics. A nimble-minded doctrinaire, Pitt was easily persuaded to drop a legislative policy which impressed him by its truth rather than by its urgency. But Mr. Rose never really answers the question, why, in an age when the truth was so easily perceived, and so persistently expressed by writers and county meetings, was it so hard for a powerful and sympathetic statesman to form a party? The temperament of Pitt was only partly the cause. Mr. Rose hints at another when he speaks of the unimportance of the legislative sovereignty of Parliament. Sir Leslie Stephen went deeper when he pointed out the contrast between Arthur Young's criticism of the French nobility, and his eulogy of the English aristocracy. In England the intermediate powers were visible and active, in France they were, in spite of some enlightenment, opposed to the new spirit of efficiency. Most of those English reformers who desired a firmer handling of the new social problems found themselves disinclined to interfere with the distribution of sovereignty. Why this prejudice was permitted, in an age of reason, to harden into the belief that any institution or interest already established was a bulwark of British liberty, must be deduced from such works as Stephen's *Utilitarians*, Mr. and Mrs. Webb's *Local Government*, and M. Halévy's recent volume.

Mr. Rose's second volume is, like the first, remarkable for the discussion of international relations. English readers will especially welcome the careful analysis in both volumes of Anglo-Prussian relations. The author does for Ewart what Dr. Gardiner did for Digby, in rehabilitating a shrewd diplomatist. Throughout, the chapters on Ireland are excellent.

Mr. Rose has made much use of the Dropmore Papers, and has increased available knowledge of the sources for the period. Unfortunately his work will, in bibliographical as in other respects, be of less service to the general student or inquirer than one might reasonably have expected. A critical discussion of the various classes of authority, on the lines of Mr. Robertson's appendix to his *England Under the Hanoverians*, would have been of value

to more serious readers, and would also have enabled Mr. Rose to define with more precision the extent to which his biography of Pitt may be regarded as a general contribution to British history.

F. M. POWICKE.

A CALENDAR OF THE FEET OF FINES RELATING TO THE COUNTY OF HUNTINGDON, 1194-1603. Edited by G. J. Turner. Pp. clxiv, 300. 8vo. Cambridge: Deighton, Bell & Co. and Bowes & Bowes. 1913. 10s.

In this important publication the Cambridge Antiquarian Society sets an example of a first-class task executed in such a manner as to make the examination of one county's records a distinct contribution to the study of national institutions relative to land measures, the agricultural system and the use and method of fines by which lands were assured from one person to another, and the transfer recorded in the books of court. The society has been fortunate in the services of an editor so capable as Mr. Turner, not only to set forth the principle of the legal formalities, but also to make the introduction serve as an opportunity to rediscuss several central questions relative to the evolution of the English manor. If the Nietzschean doctrine of eternal recurrence has any true basis in historical philosophy, we may well suspect its existence in the determined manner in which such subjects as the definition of the bovate, the carucate and the hide persist in returning. Mr. Turner has succeeded Professor Maitland as the chief editor for the Selden Society; Professor Maitland was a thorough-going opponent of Mr. Seebohm's interpretation of the village community as descended from the Roman villa; Mr. Turner's preface expresses the hesitation and regret with which he finds himself unable to follow Maitland and preferring Seebohm on the origins of villainage and the manorial institution. His own observations on the data furnished by the fines are numerous and pointed. 'Yeoman,' he notes, means not a small freeholder but a tenant at will; 'husbandman' was a bondman or copyholder; '*terra*' in early fines meant arable land; 'manor,' originally the lord's mansion only, and synonymous with 'hall,' was slow to acquire the general sense of the associated estate, and not till the fifteenth century came to denote seignory. Seebohm's position relative to the manorial system seems to Mr. Turner 'to afford the surest basis of any for the early history of our institutions'—a dictum which sends us back again to the meridian of Hitchin some forty years ago. The ghost of the Roman question defies the exorcist, charm he never so wisely!

Mr. Turner's re-resentation of the case will command respect for its variety of intimate points of novelty in the argument. It modifies somewhat the position of Seebohm, especially as regards the virgate and the hide, endeavouring 'to display the hide as the share of demesne allotted to a single Teutonic settler' who received, he considers, four hides in villainage and one in demesne, the hide being four virgates, measuring in some places 30, in others 24 acres each. Revised definitions of carucate and of bovate or oxgang reject the old opinion that the carucate was what eight oxen could plough, and indicate the bovate as the customary holding of a peasant

who furnished one ox to the common plough, and the carucate as composed of eight such holdings. Besides, it is now maintained that the bovate normally contained, not 15 acres as now accepted in England, but $12\frac{1}{2}$ acres or 25 half-acre strips, and the carucate eight times that extent. All this goes towards the contention that the hide derives from the virgate and the carucate from the bovate. Virgate and bovate, representative of two archaic measures, never merged and of unknown origin, were units of the early British system : hide and carucate, superinduced on virgate and bovate, were allotments to Teutonic settlers and held by them as demesnes of manors. So Mr. Turner reads the riddle. A curious part of the problem lies in the undoubted local variances in the length of the rod (*pertica*, *roda*, rarely *virga*) in different districts, as a chief element in explaining the divergences in actual size of the holdings. The facts, calculations, and inferences thus marshalled require careful adjustment to reconcile and fit them with the anomalies of land holdings transmitted during four centuries by the medium of fines in the king's court. The entries from 5 Richard I. to 45 Elizabeth number 518, each given in translated abstract, and all fully indexed both for places and persons. Such an editor as Mr. Turner, shirking no labour and facing a palimpsest of custom with manifest fairness, has well earned the right to debate vexed questions anew. We shall watch with interest the fortune of his new and readjusted solutions.

GEO. NEILSON.

THE MAKING OF THE NATIONS: FRANCE. By Cecil Headlam, M.A. Pp. viii, 408. With thirty-two full-page Illustrations, also Maps and Plans in the text. Demy 8vo. London : Adam & Charles Black. 1913. 7s. 6d. net.

THIS second volume of 'The Making of the Nations' series creditably sustains its share in the venture. In days when a specialist calendars one hundred thousand documents to illustrate a single reign, it is a refreshing reversion to older fashions to turn to a book which, in four hundred clearly and agreeably written pages, tells the story, from the neolithic period to the peace of 1871, of the nation which for the last two hundred years has played the leading part in European affairs. The author does not profess strictly original investigation. But he states in his preface that he has spared no pains to ensure accuracy of statement and to take into account the results of recent historical research, and no one who reads his book will doubt that statement. He is a skilful and practised narrator. His descriptions are picturesque, his generalisations luminous, and, in the relation of events, he does not fail to supply such philosophic study of the rise and growth of institutions as the space at his command will permit.

He gives interesting sketches of Roman Gaul and of the Frankish invasion, and accounts, condensed but comprehensive, of the English occupation of the western parts and of the vicissitudes of the often-shifted eastern frontier ; of the conspicuous rulers—the Merovingian Clovis, the *Rois Fainéants*, the Mayors of the Palace, Charlemagne, the Capets, the Valois kings, the Bourbons, the great Cardinal ministers, 'the epileptic

megalomaniac' Napoleon, and the obstinate, crafty, impulsive dreamer, his nephew, with whose fall the book closes. The gradual growth of the power of the monarchy, and its conflicts with the feudal aristocracy, the clergy and the *bourgeoisie*; the perennial struggle with a greedy Church; the long course of misrule leading inevitably to the Revolution; and the transformation of the old feudal estates into the first modern national representative Assembly on the continent of Europe are successfully presented.

The great Wars of Religion of the twelfth-thirteenth and of the sixteenth centuries are described; in the earlier, the secret prosecutions of the criminal law founded, the Albigenses so utterly exterminated that even what their heresy was can only be known from the evidence of their persecutors, the troubadours banished, a whole characteristic civilisation wiped out; in the later, the flower of 'the most intelligent, moral and energetic of France's citizens' driven to other lands.

To political students the book will be of value for the light it throws on many problems pressing for solution. It shows, for example, the failure of the famous 'Right to Work' scheme of 1848. It exhibits the economic ruin of the Revolution, the waste of the Napoleonic wars, and the financial penalty of the *Débacle* of '71, retrieved by the immense resources of a people of small landholders. It makes abundantly clear the deep disaster which has followed the ever specious conjunction of moral and material power in the same hands.

The illustrations are excellent and the maps and plans useful.

ANDREW MARSHALL.

FÖRNVÄNNEN. MEDDELANDEN FRÅN K. VITTERHETS HISTORIE OCH ANTIKVITETS AKADEMIEN. Under redaktion af Emil Ekhoff. Stockholm. 1911.

THIS is a collection of archæological communications from the Royal Academy of Science, History and Antiquity in Sweden for the year 1911. These communications comprise a variety of studies in Swedish antiquities and art, among which may be noticed one on the connection between Sweden and the East in the Viking age, illustrated with numerous examples of personal ornaments, weapons, and objects of art and industry, which found their way to Sweden from as far as Asia Minor and Persia, partly through warlike expeditions and partly through intercourse of trade between Scandinavia and eastern nationalities.

Another article is on the paintings in the ancient wooden church of Björsäter, which dates from about 1401, an instructive account of ecclesiastical art, some of which is believed to be of very early date. Runic inscriptions also come in for notice, as also do grave structures and primitive rock-carvings in Gotland, besides other scarcely less important articles.

The whole forms another instance of the energy with which their native antiquities are exploited and recorded by Swedish antiquaries.

GILBERT GOUDIE.

ANTIQUARIAN NOTES : A Series of Papers regarding Families and Places in the Highlands, by Charles Fraser-Mackintosh of Drummond, F.S.A. Scot. Second edition, with a Life of the Author, Notes, and an Appendix on the Church in Inverness, by Kenneth Macdonald, F.S.A. Scot., Town Clerk of Inverness. Pp. xxxi, 462, with Frontispiece. Demy 8vo. Stirling : Eneas Mackay. 1913. 21s.

THIS is a reprint of a well-known book by the late Charles Fraser-Mackintosh, a man of mark in his day. The author was so eager to accumulate and communicate material that apparently he was unable to present it in a convenient form. Many of the documents printed were supplied by Captain Dunbar Dunbar, who was at the same time publishing his *Social Life in Former Days*. Its plan is much better, and makes a more attractive and useful work. The editor of Mr. Fraser-Mackintosh's book has endeavoured to improve it by the addition of fresh notes, but it still remains to a considerable extent a mass of undigested information. The question of burgh organization is an important one, and arises in several of the papers, but it is not brought to a definite point. The 'Connection of distant ages by the lives of individuals' is a valuable contribution to an interesting subject. 'The Church in Inverness' is also an excellent article, and has been supplemented by the editor in an admirable chapter in Appendix IX. It is to be regretted, however, that so good and conscientious a piece of work should be printed in small type, without break of any kind, without head notes, side notes, or any other clue to its contents. There might at least have been a summary of it in the bulky index, but there it is not noticed. Nos. 67-70, 'Ancient names and places in and about Inverness,' are good in their way, but are too much of the nature of jottings. No. 71, 'Game Preservation in the North,' just touches upon what might have been a most interesting inquiry, the condition of ground and winged game in the sixteenth and seventeenth centuries, and then branches off into the consideration of the exhaustion of grazings in the Highlands, doubtless an important matter, but out of place in a volume of Antiquarian Notes.

The subject of the book is genealogy rather than history or antiquities, and from this point of view it brings together a large amount of miscellaneous information regarding a crowd of people, most of whom, however, are only of local importance.

A pleasant memoir of the author is prefixed, and only does justice to his activity and his strenuous efforts for the good of the Highlands. One is, however, surprised to learn that he, a patriotic Scot, applied for a royal licence to assume the surname Mackintosh. As a lawyer he must have known that he was entitled to change his name if and when he chose to do so, and that such a licence to a Scotsman is merely waste paper.

DAVID MURRAY.

Gasquet : England under the Old Religion 421

ENGLAND UNDER THE OLD RELIGION, AND OTHER ESSAYS. By Francis Aidan Gasquet, D.D., Abbot-President of the English Benedictines. Crown 8vo. Pp. viii, 358. London : G. Bell & Sons. 6s. net.

A COLLECTION of formal lectures and essays by Dr. Gasquet, the learned abbot-president of the English Benedictines, is always welcome, though one may not look at the subjects treated by him exactly from the same viewpoint. This volume comprises a miscellaneous assortment of studies, from a weighty discussion on the condition of 'England under the Old Religion' to a trivial but piquant satire on the slipshod methods of modern 'Editing and Reviewing.' Some of the essays, like that on 'The Question of Anglican Ordinations,' are highly controversial : indeed most of them betray an ecclesiastical bias unsuitable for discussion here. Scottish readers, however, will turn with sympathy to a brief but interesting historical survey of 'Scotland in Penal Days,' the reprint of an address given at Fort Augustus in 1911 on the occasion of the Bishop Hay centenary celebrations. In our view one of the most valuable and instructive essays in the volume is the chapter on 'France and the Vatican,' a lecture delivered in America and afterwards in Liverpool.

JAMES WILSON.

THE POLITICAL PROPHECY IN ENGLAND. By Rupert Taylor. Pp. xx. 165. [London : H. Frowde for] The Columbia University Press. 1911. 5s. 6d. net.

WHILE it may be true that no study of political prophecy as a literary form has preceded this volume 'approved by the Department of English in Columbia University as a contribution to knowledge worthy of publication,' the subject has a bibliography profounder even than Dr. Taylor has discovered. The modest excuses he offers, in the scattered nature of the material and the difficulty of the theme, command acceptance at once, and the essay will *pro tanto* fill a gap.

Exposition starts from Geoffrey of Monmouth, and chief illustrations, as well as chief services to study, come from the examination of twelfth to fifteenth century literature of this designedly mysterious class. Professor Alois Brandl of Berlin often comes into the line of critical fire in respect of his readings of certain alliterative prophecies in particular, and his interpretation of the prophetic type in general. But there is reason to believe that Professor Brandl's later studies of medieval political prediction led him far further into the manuscript recesses of the subject than Dr. Taylor's researches have yet taken him. The German was chiefly searching for explanations of particular prophecies : the American is tracing the type and its successes and failures in political purpose. Dr. Taylor has read widely in this peculiar literature, and if he has seldom discovered interpretations for himself, and has sometimes missed the studies of others in quest of interpretation, he has laid down a good general plan of the course of development, and traced the dominant 'Galfridian' type with its animal symbolism not only in Britain but also in its successful invasion of the Continent. The result is a sort of bibliographic survey, which, although not exhaustive, and

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therefore not definitive in particular sections, must considerably help the investigator of any of the national sub-cycles dealt with. He omits the vow-cycle, which properly has a place in the theme. A good many bibliographic shortcomings occur, and the apparatus of elucidation for individual predictions is defective also.

The oddity of exposition of prophecy lies in the fact that the historical part, not the prophetic, is the part which counts, and it is by the historical elucidation alone, that is by the unprophetic past, that criticism of the prophetic is clarified. Dr. Taylor has few or no original interpretations to offer. He is not fully master of the subject of the Ampulla prophecies: he has missed the corrected historical interpretation of the Becket prophecy (*Antiquary*, February, 1905), and has not suspected the motive offered to 'prophecy' by the diplomatic negotiations for the release of King John of France and David II. of Scotland. In discussing the earlier *Davy's Dreams* he has failed to note the fact, central to the discussion, that Edward III. was actually elected Emperor in 1348, but declined the perilous glory of the imperial throne.

Considerable hesitation must be felt about his statement that the British use of animal symbolism in prophecy is unique (p. 5). As a phase of the bestiaries and the beast-epic is it not common to Christendom? In dealing with the Merlin prophetic pieces he does not gather up the historical allusions, and certainly brings nothing material to explain Geoffrey beyond what Sebastian Evans advanced. Generally he is rather a confused contributor to the discussion, although he puts a great deal of excellent but unindexed material into the field.

No adequate notice is taken of various indications that the war of Scottish independence was influenced by flying predictions. William Bannister's prophecies escape mention. Wolfius in his extraordinary *Lectiones Memorabiles* illustrates along the whole line the prevalence of prophecy in relation to the history of the Church. As regards the bestiary type of prophecy reference might with profit be made to an important passage in *Scalacronica* (ed. Bannatyne Club, p. 317). And there are predictions in the *Reliquiae Antiquae* which would have helped out the bibliography. Much stress, however, should never be laid on the shortcomings of an inevitably imperfect list of consulted sources: the work done is faithful and of great service, and Dr. Taylor has excellently opened up the study of a complex and hardly fathomable theme.

THE REGISTER OF THE PRIVY COUNCIL OF SCOTLAND. Edited by P. Hume Brown, M.A., LL.D., Historiographer Royal. Third series. Vol. V. A.D. 1676-1678. Pp. xlii, 799. 8vo. H.M. General Register House, Edinburgh. 1912. 15s. net.

A MORE complete picture of tyranny than this volume presents it would be hard to find. It shows, compared with the preceding volume (noticed *S.H.R.* ix. 415), systematic general and growing severity of government action to compel conformity. So many are the ordinances of repression that the ordinary life and business of the community (usually the fullest and most interesting part of a Privy Council volume) are a reduced fraction.

Lauderdale is busy with the putting down of conventicles and of recusancy by the exaction of obligations by the people to abstain from preachings, obligations by heritors to exact sub-bonds from their tenantry, proclamations breathing forth threatenings and slaughter against the opposers and the dilatory, injunctions upon sheriffs to enforce the acts in the teeth of notorious public rejection of them, and, finally, elaborate preparations and directions for the Highland host quartered upon the bond-refusing West, especially Ayrshire.

Nowhere in history (outside of the Netherlands under Alva) is there to be had so crass an example of an attempt to cram down the throat of a reluctant country an unpalatable system of worship. Nowhere can be seen evidence of failure more complete. Professor Hume Brown's preface, shorter than usual, expresses its substance in the statement: 'Of the entries in the present volume of the Register fully three-fourths refer to the measures taken by the Council to suppress religious discontent.' Fifeshire stood next to Ayr in the persistency of its defiance. East Lothian followed hard, and Glasgow was in evil grace with the Council for the 'great multitudes' who profaned the Sabbath day by going to conventicles and deserting 'the publick worship within the city.' Glasgow appears in several special connections, including a fine on the magistrates for the escape of prisoners, a scheme for a stage coach service to Edinburgh, the dispute between the printers Anderson and Saunders, and principally, the great 'casuall fyre' in 1677, 'whereby the best richest and greatest pairt of the toune is now turned to ashes,' to the complete ruin of between 600 and 700 families. In 1678 the town council gave its bond for the good behaviour of its Provand tenants, and in respect thereof 'beat a bank' through the town for the whole burghesship to sign a bond of relief.

Miscellaneous public events include the retirement of Nisbet of Dirlton from the office of lord advocate and the succession of McKenzie—of sinister epithet—to the position, involving the unpopular function of public prosecutor. A few witchcraft cases emerge. Gipsies and vagabonds are transported to the American plantations; charter chests are searched; letters of fire and sword are issued against Farquharsons and others. Algerian pirates capture the 'Issobell' of Montrose. A post service to Ireland (2s. Scots per letter for 40 miles, 4s. for 80 miles or upwards) is ordained to be established. The servile state of coalhewers and salters causes complications (or, is it, offers pretexts?) about the lawburrows bond for them. The laird of Skelmorlie has as heirlooms 'antick arms,' including 'ane old fashioned Hieland durk' excepted from a disarming order (p. 546). Supplies to the Highland host embrace a stock of 'sixtie timber dishes sixtie timber cuppes forty timber stoupes' (p. 555). A Covenanter's declaration at the scaffold (p. 608) addressed to 'Good people and spectators' is a dignified utterance, not even now to be read without emotion. Lauderdale's day of reckoning was not to be long deferred; his apologists have now a better chance to understand his policy than they ever had before. Professor Hume Brown's exposition of it is a model of restraint, but the citations themselves speak. Miscellaneous original papers, forming an appendix, contain material more racy phrased than the more formal minutes, but the picturesque capacities of the

vernacular are sometimes carried into even the latter. An alleged witch indignantly declares that lying accusers 'may and ordinarlie doe blunder the best of God's servants' (p. 232). A euphemism worth remembering is that the design of the host (p. 272) was 'falne upon for preventing any supprysall that might happen.'

For his well-indexed text the editor has had the valued aid of the Rev. Henry Paton, and text and introduction alike reflect the scrupulous care and thoroughness of the historiographer royal.

THE STORY OF THE FORTH. By H. M. Cadell of Grange, D.L., B.Sc., F.R.S.E., M.Inst.M.E. Pp. xvii, 299. With 75 Illustrations and 8 Maps. 4to. Glasgow: James MacLehose and Sons. 1913. 16s. net.

THE earlier portion of this handsome and well-illustrated book deals chiefly with matters of importance to geologists and mineralogists, although it is interesting from the point of view of the history of the making of Scotland; and in this connection we would draw special attention to the account of the old boring operations in the vicinity of the Forth. The second portion of the volume is of vital historical interest. It is largely occupied with the narrative of the iron industry and the growth of the Carron Company, which was formed in 1759 by Dr. Roebuck, Samuel Garbett and William Cadell, to make iron in Scotland. One of the partners, Sir Charles Gascoigne, after encountering various difficulties in connection with the Company, eventually received an offer from the Empress Catherine II. of Russia to cast her ordnance, and he left Scotland for Russia with some of the firm's workmen. Although he had not been fortunate in Scotland, he became famous in Russia.

Interesting accounts are given of the early iron works and the oil industry, the reclamation of the Forth valley, and the clearing of Blair Drummond Moss, which was begun by Lord Kames in 1766. While these subjects are treated in the light of their past history, Mr. Cadell's volume is also full of suggestions as to future revival and expansion. The author's close intimacy with the neighbourhood and its industries, and his practical knowledge of geological science, entitle his views to very careful consideration. We welcome this valuable contribution to the history and geography of Scotland.

STOLEN WATERS: A PAGE IN THE CONQUEST OF ULSTER. By T. M. Healy, M.P. Pp. x, 492. With Map. Demy 8vo. London: Longmans, Green, & Co. 1913. 10s. 6d. net.

THIS 'Page in the Conquest of Ulster' (which makes a volume of almost five hundred closely printed pages) deals wholly with the right to the rich fishings of the river Bann, which drains Loch Neagh. It was part of the bait held out by James I. to the citizens of London to induce them to 'plant' Ulster; but they never got it, despite the most solemn engagement, being robbed of it by the astuteness of the Lord Deputy of Ireland, Sir Arthur Chichester, in the possession of whose representatives the greater portion still remains. The author recounts how this embezzlement from



LORD KAMES



the Crown took place mainly by 'Letters Patent, framed in Dublin, sealed by the Deputy in his own favour, with the connivance of his Law Officers,' the King being ignorant. Strafford made the Chichesters surrender the Bann, but they again secured it on his fall; they lost it in Cromwell's time, but in Charles II.'s reign regained it by trickery, and this was upheld by a divided House of Lords as late as 1911. The intrigues of past times, which are full of incident and romance, written in such a way, make it a book to read carefully, especially if one wants to understand the difficulties of Irish history.

TRECENTALE BODLEIANUM. A Memorial Volume for the three hundredth anniversary of the public funeral of Sir Thomas Bodley, March 29, 1613.

Pp. ix, 175. Crown 8vo. Oxford : Clarendon Press. 1913. 5s. net.

OUR *Scotichronicon* concludes with the riming distich :

Non Scotus est, Christe,
Cui liber non placet iste.

Similarly, he can be no book-lover whom this memorial of Bodley does not charm. It reprints beautifully and in old-style type and arrangement the autobiographic sketch written A.D. 1609, various documents regarding the library, two contemporary funeral orations, and a fine letter of criticism and friendship by Bodley to Sir Francis Bacon, A.D. 1608. An appendix reproduces the Form of Commemoration Service used at the tercentenary celebrations.

A Scottish contemporary wrote of Bodley's noble service to literature, 'Nec tacebit Posteritas.' This delightful little book itself proves the truth of the prophecy.

ANNUAL REPORT OF THE AMERICAN HISTORICAL ASSOCIATION FOR THE YEAR 1910. Pp. 725. 8vo. Washington, 1912.

COMMENCING with a Report of the Twenty-Sixth Annual Meeting of the Association this portly volume reproduces many of the valuable studies then submitted, several of which have subsequently appeared in the *American Historical Review*. About one half of the contents consists of these historical essays, the other half deals with material, partly on the teaching of history, but chiefly concerning State archives and archive systems, concluding with Miss Grace Griffin's elaborate bibliography (230 pp.) of writings on American history during 1910, and a double columned 65 page index. The second half reports the discussions of various conferences of archivists, at one of which (p. 248) a careful plan was suggested for restoration and treatment of damaged and defective manuscripts. In the historical half there are five contributions on European subjects. Mr. Laurence M. Larson writes on the efforts of Danish kings to secure the English crown after Harthacnut's death. Professor Baldwin examines the records of the English privy seal and briefly traces the various uses to which that seal was applied. Mr. Chalfant Robinson's paper on the *Royal Purveyance and Speculum Regis* describes Archbishop Islip's remonstrances with Edward III., especially as regards the grievance occasioned by wholesale seizures made for the king's larder and barns. Professor Catterall on Anglo-Dutch relations, 1654-1660, charts the diplomatic zig-zag course of negotiations in

which the primary Dutch object was to get the English Navigation Act revoked and the secondary object a restriction of search of Dutch vessels and of the interpretation of contraband. Mr. Roland G. Usher's critical notes on the works of S. R. Gardiner maintain that extensive and vital divergences of standpoint in Gardiner's writings at different times make the value of his opinions a difficult calculation.

The whole volume displays the catholicity of historical study in America, the systematic research it fosters, and the promise of enduring achievement sometimes (as we have repeatedly noted in these columns) already brilliantly accomplished.

THE FRENCH REVOLUTION OF 1848 IN ITS ECONOMIC ASPECT. Vol. I. Louis Blanc's *Organisation du Travail*. Vol. II. Émile Thomas's *Histoire des Ateliers Nationaux*. With an Introduction, Critical and Historical. By J. A. R. Marriott. Vol. I. pp. xcix, 284; Vol. II. pp. 395. Crown 8vo. Oxford: Clarendon Press. 1913. 5s. net each.

THE aims of the revolution of 1789 were political rather than economic, the abolition of privilege not of property, but the demand of the Parisian workmen for the State organisation of industry was a great factor in the movement which drove out the bourgeois monarchy in 1848. The chief prophet of this wave of economic unrest was Louis Blanc, whose *Organisation du Travail* was published in 1839. This has more affinity with modern socialism than with the schemes of earlier French socialistic writers, and it has much in common with theories of co-operative production and of syndicalism.

Louis Blanc looked on the results of the industrial revolution both in England and in France and found them evil. He denounced competition and *laissez faire*, declared that France had adopted England's principles and that the inevitable result was war between them. The only remedy was the establishment of factories by the State with borrowed money. Part of the profits was to be employed in extending the business, and part was to be distributed amongst the workers. These State-aided workshops would gradually extinguish private enterprise, and so all industry would be State-organised. But Blanc's cry of the right to work had more influence with the people, and this was guaranteed to all citizens, as a result of their clamour, in 1848. The establishment of national workshops was decreed at the same time. Their management was not entrusted to Louis Blanc, who indeed disclaimed all connection with those which were set up, but he was made president of a commission installed at the Luxemburg to examine into the condition of the working classes. He succeeded in starting, though not with State capital, several societies for co-operative production much on the lines of those described in his *Organisation du Travail*, and these had some success.

Émile Thomas came forward to extract the Government from the difficulties caused by the promise of national workshops, and the *Ateliers Nationaux* gives his account of his labours. He succeeded in substituting for a dangerous mass of idle men a highly organised body, but hardly any

work was forthcoming, and the men remained for the greater part unemployed. There was apparently some idea that this organisation should be used to counteract the socialistic influence of Blanc's party at the Luxemburg. But by the end of May 120,000 men were enrolled, and the Government saw that it was necessary to deal decisively with this question. Emile Thomas was removed, and the efforts to reduce the number of workmen led to the members of the *ateliers* joining the more socialistic members of the Luxemburg and to the insurrection in Paris of June 23rd to 26th. The Commission appointed to inquire into its causes found that 'a most poisonous influence' was exercised by the speeches and principles of Louis Blanc. These two books therefore are most interesting as showing the influences which led to the revolution of 1848 and the difficulties which followed the decree of the right to work.

Mr. Marriott's introduction, which not only gives a sketch of the lives of the authors and an account of the end of the experiment of the *Ateliers Nationaux*, but also briefly summarises the political and constitutional history which led up to the 1848 revolution and the ideas of earlier French socialistic writers, adds very greatly to the value of the reprint.

HENRY VIII. By A. F. Pollard, M.A. Pp. xii, 470. Crown 8vo. London : Longmans, Green, & Co. 1913. 4s. 6d. net.

It is a pleasure to read a life of Henry VIII. like this. In spite of his undoubted popularity, Henry remains a most unlovable figure, and Mr. Pollard has done his best for his unsympathetic hero. He points out his curious (and dubious) title to the throne, which caused him (sooner or later) to put an end to all accessible competitors. He does justice to the way he always allowed Parliament to have free speech, and yet to do what he wanted. He tries to believe that the great question of the Divorce and the quarrel with the Pope had other and prior causes than the love of Anne Boleyn. He deals as gently as he can with the curious 'conscience' of the King and the matrimonial webs (twice ended by the sword and twice by dissolution) it led him into. We cannot say he has quite made us see eye to eye with him, but his book has given pleasure. One mistake must be corrected. On p. 187 he says of Anne Bullen that her mother 'was of noble blood, being daughter and co-heir of the Earl of Ormonde.' This was her grandmother. Anne's mother was Lady Elizabeth Howard, sister of the Duke of Norfolk, who helped to condemn her to death on the scaffold.

THE MATTER OF WALES. Preliminary Volume. 'Cymru as the native name for Wales.' By Arthur Owen Vaughan. Pp. viii, 192. 8vo. Cardiff: The Educational Publishing Co. Ltd. 1913.

THIS rather confusing book (which reads something like a Saga) is written to prove that the old name for Wales was Britain, not Cymru, and that the last is used for the first-known time by Geoffrey of Monmouth in the twelfth century. The author builds up his theory with great care and genealogical research, showing that Powys was overrun by Saxons, and only recovered in 890 by the help of 'The Men of the North.' These, he holds, came

mainly from Cumbria, which was not (as Skene thought) politically identical with Strathclyde. Then he tells us fighting with the Saxons and Normans welded the Welsh together, till they called their country Cymru of their own initiative. It is a book of very considerable ingenuity, but is a little difficult to understand.

ARBELLA STUART. A Biography. By B. C. Hardy. Pp. xiii, 340. With eight Illustrations. Demy 8vo. London: Constable & Co. Ltd. 1913. 12s. 6d. net.

THIS is an excellent study of the life of one who was the victim of being too near the Throne. Lady Arbella Stuart, the niece of Henry Lord Darnley (not Henry Darnley, as the author calls him), the cousin of Mary Stuart, and the possible heir (as English-born) of her kinswoman, Queen Elizabeth, had too many great relations to make marriage an easy business. Kindly treated in the main by Elizabeth, she remained (partly perhaps by choice) unwed at her death. At first made much of by James I., she thought it safe to marry, and at the age of thirty-five got betrothed to her kinsman, William Seymour, aged twenty-five. Unluckily he too was one of the next kinsmen to the King, and the usual sickening story of imprisonment, escape, and further imprisonment began, and continued till she died, separated from her husband, in the Tower, 25th September, 1615. The biography is well written, and there is some new light on Lady Arbella's complicated relations with the Cavendish and Shrewsbury families, and a pathetic picture is made of a lonely life very near to the Tudor and Stuart roses.

PRINCE CHARLIE'S PILOT: A RECORD OF LOYALTY AND DEVOTION. By Evan Macleod Barron. Pp. 205. With Frontispiece. Demy 8vo. Inverness: Robert Carruthers & Sons. 1913. 5s.

THIS interesting 'record of loyalty and devotion,' which first appeared in the *Inverness Courier*, is a well-written account of Donald Macleod of Gualtergill, who acted as the pilot of the Prince's band during the wanderings among the Western Islands. He joined the Prince just before Culloden, and his son Murdoch (of whose later career we would fain know more) ran away from school at Inverness to be present at the battle. The wonderful wanderings of the Prince's band (chiefly taken from the 'Lyon in mourning') are well told, and the author rightly lays some stress on the fact that the Prince was not succoured by Jacobites alone. We think he perhaps exaggerates the Hanoverian 'brutalities' a little, but he has made a very readable account of the life story of one whom the Jacobites dubbed the faithful Palinurus.

TWELVE SCOTS TRIALS. By William Roughead, Writer to the Signet. Pp. 302. With thirteen Illustrations. Demy 8vo. Edinburgh: Wm. Green & Sons. 1913. 7s. 6d. net.

IF all trials were written with the clear accuracy, the interest, and the humour that Mr. Roughead has managed to put into this book, one would be tempted to read little else than criminal trials. Those he has included have all elements of horror and most of them tragedy. He begins with

'The Parson of Spott,' who, red-handed from hanging his wife, preached a moving sermon. The baiting of the murderess, Lady Warriston, by the ministers, throws a curious light on the days of James VI. Major Weir the warlock's trial follows, and then the ordeal of Philip Stanfield, which deals with the bleeding of the corpse at the murderer's touch. Among those which are included we may mention the well-known trial of Katherine Nairne (the editor wants more information still about her fate), the less familiar Keiths of Northfield, and the 'wife of Denside.' The two last, the Dunecht mystery, and (specially well told) the Goatfell murder, belong to our own time.

GELDWERT IN DER GESCHICHTE : EIN METHODOLOGISCHER VERSUCH.
Von Andreas Walther. Pp. 52. Stuttgart : W. Kohlhammer. Mk.
1.20.

THIS is primarily a criticism of current methods of estimating money values in earlier times, showing their failure to combine the data necessary for a correct calculation. The author's own solution is a difficult but not wholly unattainable counsel to interpret medieval values by a co-ordination of elements based on comparative social conditions, and local prices, rents, and wages, as well as on numismatics and metrology. There is no royal road to the formula.

THE DEATHS OF THE KINGS OF ENGLAND. By James Rae. Pp. viii, 152.
Crown 8vo. London : Sherratt & Hughes. 1913. 4s. 6d. net.

VIEWED from the medical side, the sad stories of the deaths of kings acquire an exceptional interest. But Dr. Rae's authorities are inadequate and sometimes uncritically selected, without sufficient regard to the dates of the chronicles cited. For instance, Baker's Chronicle (seventeenth century) is cited alongside of Gervase of Canterbury and William of Newburgh (twelfth century) for the illness of King Stephen in 1154. For Henry II. the first author cited is Higden (fourteenth century); the second is 'Matthew of Westminster' (there was no such person): for Henry III. Walsingham (fifteenth century) is cited in spite of his obvious blunder in date. For Edward I. Walsingham (fifteenth century) is misquoted. For Henry V. better authorities are cited, but Fordun was dead nearly forty years before Henry: the *Scotichronicon* is mistranslated, for the 'immunity' of St. Fiacre was the privilege of sanctuary. Dr. Rae's task was interesting, and would have been work worth doing well.

JOHN PENRY, THE SO-CALLED MARTYR OF CONGREGATIONALISM, AS REVEALED IN THE ORIGINAL RECORD OF HIS TRIAL AND IN DOCUMENTS RELATED THERETO. By Champlin Burrage. Pp. 43.
8vo. Oxford University Press. London : Henry Frowde. 1913.
2s. 6d. net.

THIS edits for the first time the indictment and sentence on Penry for treasonable defamation of Queen Elizabeth in 1593, devised and written at Edinburgh. In defending himself Penry wrote that he had taken particular

note of opinion in Scotland. 'For the gentlemen,' he says, 'ministers and people of Scotland who are not acquainted with the state of this land [England] think by reason of the prelacy heere maynteyned the yoke whereof they felt overgreevous within these few yeeres by reason of the multitude of dumb ministers that are tollerated and dayly made in this land, and because they heare that preachers are suspended, silenced, emprisoned, deprived, etc. they have thought (I say) and have spoken yt unto me that little or no truth is permitted to bee taught in England. . . . Wherunto I answered that the gospell is in my conscience as much beholding unto hir majestie as unto all the princes in Europe besides.' This answer, however, came too late, and in spite of it Penry, a Welshman (whom the Anglo-Scottish historian Johnstone, no doubt with an eye to his race as well as his individual character, calls '*Camber vir natura vehementior*'), was hanged for his freedom in ecclesiastical criticism. Mr. Burrage by his introduction and notes throws the clearest light on this important and painful judgment.

LES CORSAIRES DUNKERQUOIS ET JEAN BART. I. Des Origines à 1662. Par Henri Malo. Paris: *Mercur de France*. Pp. 461. 3.50 fr.

OUR annals so often tell of the plague the Dunkirkers were to our shipping that this capable study is specially welcome. A 'reptile' pamphleteer of Richelieu's was very near the mark when he styled Dunkirk the Algiers of the North. M. Malo gives a solid yet lively narrative of the piratical system and exploits of these Ishmaelites of the sea and 'gueux de mer,' bringing down the narrative in volume one to the period of Louis XIV.'s acquisition of the port and his announcement that its piracies had ceased. A second volume, in which the daring Jean Bart will have his place on the deck, may be expected to show what kind of 'cessation' this was.

ATHENAE CANTABRIGIENSES. By C. H. Cooper and Thompson Cooper. Vol. III. 1609-1611. Pp. 163. Cambridge: Bowes & Bowes. 1913. THIS supplement embodies additions and corrections by Henry Bradshaw and others; completed by Mr. G. J. Gray, who has also furnished an index to the whole work. Of the seventy-eight minor celebrities of Cambridge dealt with at large, some were Scots and some had adventures in Scotland; e.g. William Bowes, ambassador, 1597-99, associated with one of those kidnapping episodes so curiously distinctive of Scottish history. There is a great deal of subordinate biography of value beyond college bounds. All who are interested in the history of Cambridge owe much to the enterprise of Mr. Bowes, and this volume adds to their indebtedness.

In his outline *History of Europe* (Longmans, Green, & Co., 1913; pp. xvi, 674; 7s. 6d. net), Professor A. J. Grant of Leeds University has succeeded admirably in producing a concise, accurate and interesting introduction to European history considered as one whole. Discarding the attempt to pack his pages with as many facts as they could hold, he has shown a fine sense of proportion in selecting and arranging crucial events and tendencies. His unobtrusive little book is remarkably free from serious errors (the date of the Bull *clericis laicos* appears, however, on p. 313 as 1299). Its crowning merit is that it succeeds in the difficult task of preserving the sense of

unity; so that European development, from the days of ancient Greece to the present century, appears as one connected tale. It is a book fitted to attract students to a more detailed study of history, in marked contrast to many manuals that repel youthful enthusiasm by learning that outweighs judgment.

Essentials in Early European History, by Samuel Burnett Howe (Longmans, 1913, pp. xvi, 417, 7s. 6d. net.), is an American manual and picture-book of history, and will serve the purposes of secondary schools reasonably well by its rapid survey of Europe from the days of Greece and Rome down to the age of Louis XIV. Each chapter has an appendix of historical works (not the original authorities) recommended for further study, pleasantly interesting to British readers from the prominence of American books on the lists. The work is a creditable general sketch and the illustrations are very numerous.

The Romance of British History, by Josiah Turner (Methuen & Co., pp. vii, 150, 1s. 6d.), is a respectable sketch of events from the arrival of the Romans till the present time. Why people call such summaries 'romance' is a mystery.

In the *Life of Sir Henry Vane the Younger, Statesman and Mystic*, 1632-1662 (pp. xxi, 405, with fifteen Illustrations, demy 8vo. London: St. Catherine Press. 1913. 10s. net), Dr. Willcock continues his Charles II. monographs, abandoning Scotland for England in this book. It is a good (though rather heavy) life of the 'statesman and mystic' who was so wrongly treated by Charles II. Unfortunately, in the author's eyes, the cavaliers could never do right. He is correct, however, in pointing out that Vane was greatly in advance of his age, and perhaps this put him on a different pinnacle from his enemies.

The Ancient History of the near East from the Earliest Times to the Battle of Salamis (pp. xxiii, 602, with 33 plates and 14 maps, demy 8vo. London: Methuen & Co. 1913. 15s. net) is a learned book by Mr. H. R. Hall, dealing with the histories of the older civilizations of Greece, Egypt, Babylonia, the Sumerians, the Hittites, Assyria and Israel. It covers a vast tract of time, and is a work where too great scholarship is condensed into too small a space. The account of the settlement of the Jews in Palestine is exceedingly interesting.

The Harvard University Press, Cambridge, has issued *The Barrington-Bernard Correspondence*, edited by Edward Channing and Archibald Cary Coolidge (pp. xxiii, 306, demy 8vo. 1912. 8s. 6d. net). This is mainly the correspondence of Sir Francis Bernard, Governor of Massachusetts Bay, with his cousin-in-law, Lord Barrington, 1759-1774. It is the more interesting as it is mostly family letters which trace his doings as governor, which did not altogether gain him much credit or success.

The Growth of Modern Britain, by B. H. Sutton (London: Methuen & Co., pp. ix, 198, 2s.), though a trifle homiletic in style, is a brisk illustrated

narrative of British progress from the days when the locomotive was a miracle till the time when the aeroplane has almost reached the commonplace level.

Messrs. G. Bell & Sons, Ltd., have added to their English History Source Books (cr. 8vo, 1s. net each) the following: *The Angevins and the Charter, 1154-1216*, editor, S. M. Toyne. *War and Misrule, 1307-1399*, editor, A. Audrey Locke. *The Reformation and the Renaissance, 1485-1547*, editor, F. W. Bewsher. *Peace and Reform, 1815-1837*, editor, A. C. W. Edwards. *Imperialism and Mr. Gladstone, 1876-1887*, editor, R. H. Gretton. They maintain a high standard of apt selection. Mr. Toyne should, however, have known that 'Geoffrey de Vinsauf' is no longer regarded as author of the *Itinerarium* of Richard I.

Mary Queen of Scots and the Prince Her Son, edited and published by Robt. M'Clure, Glasgow. 4to. Pp. 12. 1s. net. This is a transcript from a contemporary Venetian MS. in the editor's possession—a 'Relatio brevis de statu serenissime Mariæ Reginae Scotiæ,' dated 1578, of the well-known type of such ambassadorial 'Relazioni.' Despite several corrupt renderings, the text, naturally hostile to the 'sectaries' who had subverted the Faith, gives an interesting view of events in Scotland from 1542 until 1578.

To the Notes on the Diplomatic Relations of England with the North of Europe, edited by Professor Firth, Mr. J. F. Chance contributes a *List of English Diplomatic Representatives and Agents in Denmark, Sweden, and Russia, and of those Countries in England, 1689-1762* (Oxford: B. H. Blackwell. 1913. Pp. 52. 2s. 6d. net). It is a laborious compilation of particulars of diplomatic missions, of the ambassadors sent from and received in Great Britain, and of the general sources where the acts and correspondence are to be found. Though small in bulk, the pamphlet is invaluable as an aid to the political study and historical chronology of the period.

Messrs. D. Wyllie & Son, Aberdeen, have reprinted from the *Annual Burns' Chronicle* of 1913, a little essay, chiefly bibliographical, *John Burness* ('*Thrummy Cap*') (pp. 7), vernacular author, 1771-1826.

Aberdeen University Library Bulletin, No. 6, April 1913, will be specially valued by students and lovers of Aberdeen for its skilfully selected Concise Bibliography of the History of the City and its Institutions, drawn up by Mr. J. F. Kellas Johnstone. An appendix to the article consists of a dozen historical subjects suggested for future work. First and chief of them is a collaborative and illustrated collection of the Historic Annals of the City. Other themes prepared include work on the dialect, on Quakerism, on the clipper-ship and on journalism.

We have received a reprint from the *Numismatic Chronicle* of Dr. George Macdonald's article, *Two Hoards of Edward Pennies recently found in Scotland* (pp. 62, with three plates of coins). The hoards consisted (1) of 2067 pieces found in 1911 at Blackhills, Parton, Kirkcudbright, deposited probably circa 1320 A.D.; and (2) of 896 pieces found also in 1911, at Mellen-

dean, near Kelso, deposited probably *circa* 1296 A.D. The opportunity has enabled Dr. Macdonald to establish fresh grounds for chronological classification of the coins of Edward I. and II. Generally his results confirm the classification in Fox's *Numismatic History of the Reigns of Edward I., II., and III.*, but as that work was not yet available, when the first hoard was under examination, the independence of the investigations offers additional guarantees for the accuracy of the joint conclusions. Forty-eight of the coins, photo-typed with great success, illustrate the astonishing uniformity of the pennies of the first two Edwards, a similarity which made classification a task of extraordinary nicety.

Among the Scottish coins, which were all single long-cross pennies (chiefly of Alexander III.) there were five varieties of John Balliol's pennies, one of Robert the Bruce's, and—a special curiosity—'the thin skin of the reverse of what had evidently been a plated coin of Alexander III.'

Such work as this shows how well bestowed was the Numismatic Society's medal, conferred recently upon Dr. Macdonald.

Bulletins of the Departments of History, etc., in Queen's University, Kingston, Canada, have reached us. No. 6 (Jan., 1913), by Mr. W. B. Munro, decides strongly for the negative on the question 'Should Canadian Cities Adopt Commission Government?' This sort of elective dictatorship, resorted to in some towns of the United States as a substitute for normal municipal rule, has found foothold in rare instances in Canada, and Mr. Munro finds good reason to condemn the institution. No. 7 (April, 1913), by Mr. D. A. M'Arthur, on 'An Early Canadian Impeachment,' deals with a remarkable but abortive experiment in accusation directed against Chief-Justice Sewell in 1814 for attempting 'to introduce an arbitrary tyrannical Government' in Canada.

The *Proceedings* of the Somersetshire Archaeological and Natural History Society for the year 1912 (Vol. lviii. Pp. xi, 134, 206, 85, with several Illustrations. Demy 8vo. Taunton: Barnicott & Pierce. 1913. 10s. 6d.) include Mr. Bligh Bond's fifth report on the discoveries made during the excavations at Glastonbury Abbey (in this case at the western end of the church), and a paper by Mr. Hamilton Hall, entitled 'A Third John de Courcy.' Mr. Hall seeks to justify the statement of a late annotator in a MS. of Robert of Gloucester, now in the College of Arms, that king John was the father of John of Courcy, lord of Ulster. Although, as he points out, this particular John of Courcy was born some years before the future king, he argues that the story points to a truth. The argument is based upon the slenderest foundation, and seems to us worthless. There is no other evidence that such a John of Courcy ever existed. Mr. Hall suggests that the probability of his story is confirmed by an entry in the Close Rolls (*Rotuli Litt. Claus.* i. 285 b) by which the king on 2nd Sept., 1216, gave the manor of Down Ampney in Gloucestershire to Alice of Courcy, wife of the well-known Warin Fitzgerold, for her maintenance. Now, between 28th May, when Warin attests a royal charter (*Rotuli Chartarum*, p. 222), and 12th July, when John ordered his castle of Stoke Courcy to be destroyed (*Rotuli Litt. Patent.* p. 190 b), Warin Fitzgerold had deserted his

master and lost his lands. His wife was a lady of noble birth and a great heiress; her daughter was married to John's favourite, Falkes de Breauté; obviously she had to be provided for. The king, when he was in her neighbourhood, made a very modest provision for her by granting a manor which had belonged to John of Préaux. Such acts of mercy, though Mr. Hall seems to find them hard to explain, were by no means uncommon even in John's reign. After all, the king had seized lands belonging to Warin in more than a dozen counties (*Rot. Claus.* i. 295). Was a grave charge against the honour of a lady ever brought with less reason? But we confess that we have discussed the paper rather with the purpose of calling attention to a method of argument which is but too common, than with the chivalrous desire to exculpate Alice of Courcy.

Mr. George Neilson has pointed out that the phrase, 'that me seide,' in the College of Arms MS., which puzzles Mr. Hall (p. 22), is almost certainly meant for 'that mē (*i.e.* men) seide.'

We have received the Presidential Address by the Right Hon. James Bryce with the 'remarks' by Dr. A. W. Ward, the acting President, at the opening of the International Congress of Historical Studies, London, 1913. The address and not less the 'remarks' struck a magnificent note of welcome and prelude to their doubly historical occasion.

Remember the Days of Old (pp. 8. 6d. net) is a sermon preached in Westminster Abbey to the recent Historical Congress by the Dean, Dr. H. E. Ryle. It is an eloquent discourse for the occasion, well punctuated by references to the Abbey itself, as an illustrious historical epitome, with its 'tombs of warlike Plantagenets, wilful Tudors, vacillating Stuarts, prosaic Hanoverians.'

To the British Academy proceedings Mr. Sidney Low contributes an essay, *The Organization of Imperial Studies in London* (London: Frowde, 1s. net), which is a trenchant plea for an Imperial School of Colonial Studies.

From the Academy's Proceedings we also have *Prolegomena to the Study of the Later Irish Bards, 1200-1500*, by Mr. E. C. Quiggin (London: Humphrey Milford. Pp. 55. 3s. 6d. net). It is an important original contribution to the history and criticism of the bards, and in particular it illustrates the influence exerted on Irish literature by the prevalence of poetical panegyrics of families or chiefs. Many curious quotations are given from bardic authors, whose very names are known only to specialists. An interesting point is the proof that 'exempla,' legends of saints, and even the *Gesta Romanorum* were sources of matter used, either for independent subjects or in combination, by old Irish poets.

The Historical Association of Scotland opens up a promising course of aids to study in the *Concise Bibliography of the History of the City of Aberdeen and its Institutions* (pp. 40), which Mr. J. F. Kelley Johnstone has drawn up and which forms Pamphlet No. 3 of the Association's issues to its members.

In the Carnegie Trust Report for 1911-12, Professor Hume Brown gives an informing summary of historical studies, published and prospective, under the Trust's auspices. Mr. Meikle's book on *Scotland and the French Revolution* stands to the credit of completed work, while Mr. A. O. Anderson's *Scottish Annals, from Early Scottish, Manx, Irish, Scandinavian, and Welsh Sources*, promised for next year, bids fair to be a valuable companion to his volume of translated passages from English chronicles.

The Fourth Interim Report of the Excavations at Maumbury Rings, Dorchester, 1912, by Mr. H. St. George Gray (Dorchester: *Dorset County Chronicle*, 1913, pp. 28, 1s.), reports upon these archaeologically remunerative cuttings, describes their special features and figures, many of the finds (including a grave hewn in the chalk), shafts mined (possibly for flints) to a depth of nearly thirty feet, many antler picks, a piece of very early pottery, an uninscribed British coin, etc. A phallic carving in the chalk was found fifteen feet down. The patient labour of digging and classifying brings gradually nearer the hope of a complete account of the Rings or Amphitheatre.

Viking Society publications attest the vitality of its members. *The Year Book*, Vol. IV., 1911-12, pp. 113, is a compact record of versatile activities: it contains notes, reports, and reviews, and is an attractive northern miscellany of specialised research. *Caithness and Sutherland Records* and the *Old Lore Miscellany* are efficiently continued. In the latter (January-April) Mr. A. Francis Steuart is editing the correspondence of Charles Stewart, an Orcadian, who became Receiver-General of Customs in British North America, and died at Edinburgh in 1797. In the April issue there is given a view of Kirkwall in 1766, with ships in the harbour and harvesting operations in the foreground. The Rev. D. Beaton begins a revised and critical account of the early Christian monuments of Caithness.

In *The English Historical Review* (April) Mr. H. Jenkinson and Miss M. T. Stead edit a roll of debts owing to a certain William Cade early in the reign of Henry II. The document is interpreted as a record of the first English financier on record. His transactions included at least one bad debt in Scotland:

Alanus filius Walteri vii libras per plegium Thomæ de Lundoniæ.
in scocia. mihil.

The authors' suggestion that this indicates the flight of a 'criminal' to Scotland seems rather offhand and egregious if, as may possibly be presumed, the debtor was Alan, son of the Steward of Scotland. This is one point suggesting doubt about the proposed date of 1166 for the rolls. One entry refers to a last of wool from 'Berewic in lodeneis,' a useful mention of Lothian under a much discussed form. Dr. W. H. Stevenson returns to a field of ancient battle in his article on 'Senlac and the Malfossé,' which, with weighty documents to vouch, establishes 'Sandlake' as a division of the little town of Battle. Other papers deal with Irish Cistercian documents, the accounts of a papal collector in England in 1304, and the records of Justices of Peace from 1364 until 1391.

Berks, Bucks and Oxon Archaeological Journal (Jan.), besides notes on churches, brasses, etc., has a good obituary notice of James Parker, 1833-1912, an industrious architectural, liturgical, and geological antiquary, son of John Henry Parker, yet more famous as an authority on Gothic architecture.

Epitaphs and brasses of sixteenth and seventeenth century Ayshcombes and Wellesbornes are well described and illustrated in the *Journal* for April. Field names are discussed in a well documented article.

Notes and Queries for Somerset and Dorset (Dec. 1912, April 1913) continue printing the tenures of Sherborne, anno 1377, which are full of information on agricultural services, such as that of one tenant *grepiare circa boveria*, another *includere porcheria*, another *colligere prayes*, another *invenire unum hominem ad moltonem feni*. One document printed is concerning a charge of atheism made in 1594 against Sir Walter Raleigh over a conversation about the immortality of the soul.

In *The Juridical Review* (April) some unfairnesses of Lord Lovat's trial are exposed; a reasonable argument is submitted that Gibson of Durie was only once kidnapped (*i.e.* in 1601, when he was not a Judge but only a Clerk of Session); and a coronation point is advanced, contradicting Dr. Round, that the service of carrying the great gold spurs descended through Marshal blood, not through the office of Marshal. The ceremonial of the spurs was one of the analogues of the coronation with the creation of a knight.

In the *American Historical Review* (Jan.), Mr. Laprade analyses the politics of Pitt, 1784-88, in the Westminster elections. Mr. N. W. Stephenson groups fresh facts on General Lee's countenance to the project of arming the slaves in the final stages of the Confederate secession. The April number, besides an eloquent disquisition on 'History as Literature,' by Mr. Roosevelt, offers several valuable studies; Mr. Thompson suggesting new lines of medieval investigation; Mr. H. Vignaud ridiculing the claim that Columbus was a Spanish Jew; Mr. C. F. Adams redescribing the famous sea-fight of the *Constitution* and the *Guerrière* in 1812; and Mr. W. E. Dodd opening fresh subjects of American history, 1815-60, specially inclusive of sectarian influences.

The Maryland Historical Magazine (March) edits an instalment of the Rev. Jonathan Boucher's letters from Carolina to a friend of his at home in Cumberland. In one of them, dated 1769, occurs a pleasingly candid criticism of national character. It is about a certain 'raw Scotchman,' of whom Boucher writes: 'He seem'd modest which is so rare a Virtue in people of his Country that I was pleas'd with y^e Man.'

The Iowa Journal (January) prints the graphic and stirring report and journal of Captain James Allen's dragoon expedition or reconnaissance into Indian territory, setting out from Fort Des Moines in August, 1844. Touches of Indian lore include the 'custom of giving away horses on a ceremony of smoking.'

The Caledonian (New York, April, 1913, The Thirteenth Anniversary Number, illustrated, pp. 48) shows how the heather flourishes when transplanted.

Educational Review (New York) for April, has an *éloge*—rather disfigured by the obtrusion of modern politics—of Alexander Hamilton.

In the *Revue Historique* (Mars-Avril), a study of the life of Erasmus to 1517, by A. Renaudet, contributes not only to biography but to criticism. In the Mai-Juin issue M. Ed. Rott reveals intrigues of Richelieu for a projected annexation of Geneva in 1632, which he himself disapproved after it had failed. M. Homo commences a study of the reign of the Emperor Gallienus—an epoch of crisis and disaster.

The interaction between events and historiography is interestingly indicated by the foundation in 1912 of what we may call a Balkan Bulletin. It is the *Bulletin de la Section Historique de l'Académie Roumaine* (Bucarest: Charles Göbl, 1 fr.), and the contents of the first three numbers display the acuteness and width of the political, folklore, ecclesiastical, and literary interest which it represents. Contributions are admissible in Latin, French, German, Italian, and English.

Bulletins de la Société des Antiquaires de l'Ouest (troisième série, tome II., Avril 1911-Juin 1912, Poitiers: J. Lévrier, 1911, 1912), describe the prisons of Poitiers under the Terror, deal with early printing by the Bouchet family from 1491 onward to the middle of the sixteenth century, and present an inventory of objects acquired by the Society for the local museums. A very important article by M. Levillian is a well-illustrated and complete account and discussion of the 'Memoria' of Abbot Mellebaudus, dating perhaps *circa* 727 A.D., and consisting of an extraordinary crypt with sculptures and inscriptions to commemorate saints and martyrs, 'Acnanus, Lauritus, Varigatus, Helarius, Martinus,' and others whose bones the abbot piously gathered in his 'spelunca,' 'hypogee-martyrium,' or 'Chiron-martir.' The sculptured panels of saints and angels resemble the figures of saints graven on the coffin of St. Cuthbert. A portrait of Camille de la Croix and several eloges pronounced after his death are fitting tribute to the antiquary-priest in whose extensive bibliography of discoveries and dissertations the work he did on the 'Memoria' occupies an honourable place.

Notes and Comments

SIR R. MORAY AND THE 'LIVES OF THE HAMILTONS.'
In Nov., 1669, Burnet began work as Divinity Professor at Glasgow,¹ and during the next eighteen months he was a frequent visitor at the home of the Duke of Hamilton.² He undertook to examine the documents relating to the careers of the father and uncle of the Duchess,³ and the result was the *Lives of the Hamiltons*. When Lauderdale heard that the work was completed, he requested the author to repair to London, which Burnet did in the year 1671.⁴ Lauderdale 'was sure he could give it a finishing.'⁵ 'All the additions he gave to my work was with relation to those passages in which he had a share. I took them all readily from him, but could not bring myself to comply with his brutal imperious humours.'⁶

At the same time, Sir Robert Moray, who was no longer friendly with Lauderdale,⁷ saw Burnet's original MS. At first Burnet 'wrote this work historically and only drew the most material heads and passages out of the papers that lay before' him: but 'that noble and judicious gentleman, Sir R. Moray, to whose memory I owe the most grateful acknowledgments that can be paid by a person infinitely obliged to him, and that did highly value his extraordinary parts and rare virtues, gave me such reasons to change the whole work, and to insert most of the papers at full length, that prevailed on me to do it.'⁸

Hereupon Burnet returned to Scotland, but two years later, 'in the year 1673, I went up again to print the Memoirs of the Dukes of Hamilton.'⁹ According to Mr. Dewar, he carried with him to Court a second MS. which contained the improvements that Moray had recommended. 'It is this MS. part of which is preserved to-day.'¹⁰

The work, however, was not published until 1678,¹¹ and before its publication it underwent still further changes at the suggestion of Charles II.,

¹ G. Burnet, *History of My Own Time*, *Foxcroft's Supplement*, p. 477.

² *Ibid.* p. 479.

³ *Ibid.* p. 479.

⁴ *Ibid.* p. 479.

⁵ G. Burnet, *History of My Own Time*, vol. i. p. 533.

⁶ *Ibid.*, *Foxcroft's Supplement*, p. 479.

⁷ G. Burnet, *History of My Own Time*, vol. i. p. 533.

⁸ Burnet's *Lives of the Hamiltons*, Preface, p. xviii.

⁹ Burnet's *Own Time*, vol. ii. p. 24; *Supplement*, p. 482.

¹⁰ *Sc. Hist. Review*, iv. p. 384 *et seq.* Article by Mr. R. Dewar.

¹¹ T. Clark and H. Foxcroft, *Life of Burnet*, *Introd.* by C. H. Firth, p. xiv.

and of 'persons of honour and worth.' There were both deletions and additions, and, in its final form, the book passed over in silence much that would have been incompatible with its purpose. That purpose was to eulogise Charles I. and, as far as possible, Hamilton.¹

'At my coming to Court' (in 1673), says Burnet, 'Duke Lauderdale took me into his closet, and asked me the state of Scotland.'² Now, when Burnet was examined before the Commons in 1675, he identified the day of this interview as the first Saturday of September.³ Obviously, Lauderdale was anxious to hear about the condition of Scotland, and therefore Burnet would be summoned to his presence shortly after his arrival in town. It may be assumed, therefore, that he reached London late in August or early in September. Moray had died on the 4th of July,⁴ and indeed the tone of Burnet's remarks on his position at London seems to imply that Sir Robert had disappeared from the scene.⁵

Nevertheless, the same writer, in his preface to the *Lives of the Hamiltons*, published five years later, makes a statement which is very difficult to reconcile with the fact of Moray's death early in July, 1673. After explaining that at Sir Robert's suggestion he had inserted the documents in full, he continues: 'and when it was written over again, as I now offer it to the world, he was so much pleased with it that, though I know the setting down his words would add a great value to it among all that knew him, yet they are so high in the commendation of it, that I cannot but conceal them.'⁶ In the *History of My Own Time*, however, Burnet was less modest. 'I will take the boldness to set down the character which Sir Robert Moray, who had a great share in the affairs of that time, and knew the whole secret of them, gave, after he read it in MS., that he did not think there was a truer history writ since the Apostles' days.'⁷

Now, it was possible, though very unlikely, that Burnet in 1675 had forgotten the exact date of his first interview with Lauderdale in 1673, and he may have arrived in London before Sir Robert's death. But it is impossible to suppose that Moray ever saw the version which in 1678 Burnet offered to the world. It has been pointed out that the second MS. which he brought with him from Scotland in 1673 underwent very important changes. Some considerable time would elapse before these changes were made. Moreover, precisely because it is so improbable that Sir Robert and Burnet met in the summer of 1673, it can scarcely be held that Moray's eulogy was passed on the second version of the *Lives*. Nor does Burnet give us the least reason to suppose that a copy of the work was

¹ *Sc. Hist. Review*, iv. p. 384 *et seq.*

² Burnet, *Own Time*, v. ii. p. 26.

³ *Ibid.*, v. ii. p. 26, foot-note 1.

⁴ *Letters to Sir Joseph Williamson*, i. No. 43, p. 85, 4th July, 1673; No. 46, p. 92, 7th July, 1673. *Evelyn's Diary*, v. ii. pp. 292-3, date July 6th, 1673.

⁵ G. Burnet, *Own Time*, v. ii. pp. 24-26.

⁶ Burnet, *Lives of the Hamiltons*, Preface, p. xviii.

⁷ Burnet, *Own Time*, i. p. 41.

sent to Sir Robert before the author himself repaired to London, and that he obtained from Moray his opinion of it in writing.

On the other hand, it is hard to believe that Burnet deliberately put into Sir Robert's mouth words which he had never uttered. It is difficult to suppose that the writer of the glowing tribute to Moray which occurs in the preface of the *Lives* could be guilty of such baseness.

It would be a much less serious offence to assert that Sir Robert had said about the final version what he really had affirmed about the first. As a matter of fact, after reading the 1671 MS., Moray suggested that the narrative should give place largely to the documents on which it was based. The truth of the work in the two cases would not differ greatly in amount; the change of method would only make the truth of it more apparent and incontestable. Therefore, Moray's words of praise may have applied to the version of 1671, or he may in 1671 have said that, with the improvement which he had suggested, it would be deserving of such a commendation. In any case, the words were more applicable to the early versions than to the latest one.

It is evident from the preceding remarks that Sir Robert had nothing to do with the deletions and additions which the second MS. underwent, and which lessened the value of the book. Indeed, it was he who suggested that insertion of documents *in extenso*, which, according to Mr. Dewar, gives the *Lives* their chief value.¹

ALEXANDER ROBERTSON.

¹ *Sc. Hist. Review*, iv. pp. 384 *et seq.* Cf. also C. H. Firth, *Introd. to Clarke and Foxcroft, Life of Burnet*. It is obvious, however, that had Burnet published the 1671 MS. its value would eventually have been found to be considerable; *i.e.* when it came to be compared with those MS. sources upon which it was based. As to the insertion of documents, John Cockburn, in his *Specimen of some Free and Impartial Remarks* (London, 1735), pp. 45 *et seq.*, points out that those were not included which would have shown Hamilton in an unpleasant light.

IN BYWAYS OF SCOTTISH HISTORY. (*S.H.R.* x. 316.) Mr. Barbé has written to us disclaiming direct and large indebtedness to Dr. Neilson's *Caudatus Anglicus*. The disclaimer, however, which our critic willingly accepts, does not clearly explain why Mr. Barbé refrained from naming Dr. Neilson's Essay, which he knew had, in 1896, covered the vital facts, discussed the whole problem, and reached substantially the same conclusions as those now advanced (certainly with valuable supplementary data) by himself.

Mr. Barbé also resents the objection taken to his allusion to the fact of publication of Randolph's *Fantasie*, on the ground that his article is a reprint; but his footnote on page 103 is not a reprint.

We regret that we have not space to print Mr. Barbé's long letter, which would involve a reply from our reviewer. We place on record, however, that in Mr. Barbé's opinion some of the statements in the review of his work are inaccurate and not fair to him.

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