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On 'Parliament' and 'General Council'

PROFESSOR RAIT has examined in this *Review* the *personnel* of our national assemblies. Dr. Neilson, in his introduction to the *Acta Dominorum Concilii*, vol. ii., recently published by the Record authorities, has done much to discourage historians who are content to repeat the statement that the Court of Session was founded on the model of the Parlement of Paris, or, at all events, to convince them that a great deal more remains to be said. It is now becoming clear that the development of our courts and assemblies will gradually assume an intelligible form in response to patient study. The field is large; the work intricate and toilsome. The present brief inquiry,¹ obviously partial and tentative, may serve to suggest a line of investigation which is somewhat new, and which in the end may prove interesting even to those who are not mainly devoted to Scottish history.

Thomas Thomson did not complete the first, and final, volume of his *Acts of Parliament*. Cosmo Innes issued it in 1844, without 'the benefit of Mr. Thomson's advice,'² and prefixed 'a list of Parliaments and General Councils.' No attempt was made, however, to distinguish the two assemblies, or to explain a difference of denomination which might have aroused curiosity.

¹ The following notes are intended to be no more than an indication of one or two of the many problems connected with Scottish institutions which require attention.

² *A.P.* i. 58.

The *Modus tenendi parliamentum* opens with the remark that *summonitio parliamenti praecedere debet primum diem parliamenti per quadraginta dies*. Robert I., in granting the Isle of Man to Randolph, requires *personalem appresentiam ad parlamenta nostra . . . infra regnum nostrum tenenda per rationabiles quadraginta dierum summonitiones*.¹ David II. held a *consilium* of the three estates at Scone in 1357,² little more than a month after his liberation. Hailes and others wrongly describe this as a 'parliament.' There was already some difference as between 'parliament' and 'council' in the formalities of summons. In 1363 the assembled *prelati* and *proceres* undertook to meet, on the return of ambassadors from England, in response to royal letters *sub quocunque sigillo* and to treat *ac si essent per quadraginta dies ad parlamentum citati legitime, exceptionem aut excusacionem aliquam de temporis brevitate vel alias non facturi*.³

Parliamentum had special competence. It was necessary, for instance, in order to pronounce the final sentence in appeal by falsing of dooms. In 1368 we hear that *omnes processus facti super judiciis contradictis quorum discussio et determinatio ad parlamentum pertinent presententur cancellario ante parlamentum proximum tenendum*; and on the same occasion a doom from the justice-court of Dundee was under consideration. It was urged that the said court *precesserat hoc parlamentum tantum per quatuordecim dies*, whereas *ipsi* (the protesters) *a tempore justiciarie tente habere deberent ad hoc quadraginta dierum spacium ipso jure*. The day was found not *legitimus*; and the parties were referred *ad parlamentum proximum*.⁴ In 1368 the king sits in full state *pro tribunali* on dooms (*judicia contradicta*); but, as it is Lent and the custom of the realm forbids such sentences during that season, decision is postponed *usque proximum parlamentum*.⁵ In 1503, it may be noted, an act anent falsing of dooms provided that the king should depute thirty or forty persons with power 'as it war in ane parliament,' the court to be set on forty days.⁶

The supreme court of 'parliament' necessarily conformed to courts below in respect of notice. In the *Assise Willelmi*⁷ we find (*de placitis justiciarii et vicecomitis*) that every sheriff *ad caput quadraginta dierum . . . placita sua tenebit*: that the justiciar could not hold *placita corone* within a sheriffdom *nisi ad caput quadraginta dierum*; and that *secundum assisam regni*

¹ R.M.S. i. app. i. 32.² A.P. i. 491.³ *Ibid.* 493.⁴ *Ibid.* 504-5.⁵ *Ibid.* 507.⁶ *Ibid.* ii. 246.⁷ *Ibid.* i. 377.

reus juste debet habere diem ad caput quadraginta dierum ad minus. Similarly, in the *Modus procedendi in itinere justiciarie*¹ we find that ‘betuix the dittay and the air of reson sulde be xl days at the personis mycht be arrestit lauchfully ande breves mycht be purchest ande summondis maide in lauchfull tyme’: again,² *probentur citationes huiusmodi fuisse legitime facte et per spacium quadraginta dierum ad minus, aliter non valent.* The rule is illustrated by abbreviations in exceptional cases under James I. and James II.³

The earlier records do not seem to throw much additional light on the special competence of ‘parliamentum.’ Upon its general function as a supreme court one need not dwell; but it may be interesting to observe in 1398 ‘that ilke yhere the kyng sal halde a parlement swa that his subiectis be servit of the law,’⁴ and that so late as 1452 the regality court of St. Andrews, granted to Bishop Kennedy, is styled *parliamentum solitum et consuetum*.⁵ In 1369 *parlamentum* dealt with *ea que concernunt communem justiciam, videlicet judicia contradicta, questiones et querelas alias que debeant per parlamentum terminari*:⁶ in 1368 it was found that certain parties should not be heard in ‘parliament,’ *quod ambe partes sunt ad communem legem ad prosequendum et defendendum in curiis aliis secundum ordinem et formam juris*.⁷ A century later, in 1473, two persons are ‘to declare the daily materis that cummys befor the kyngis hienes that as yit thare is na law for the decisioun of thame,’ and to report to next ‘parliament’ for ratification and approval.⁸ In 1433 we find a breve of ‘miln leidis’ which is to have course till ‘the next parliament.’⁹

It is at a later stage that we find definite indication of the function of ‘parliament’ in respect of treason. In 1515 John, Lord Drummond, was suspected of correspondence with England. He appeared at the Council, July 11, on the eve of a Parliament, July 12, and, ‘for the conservatioun of the privelege of the barounis of Scotland and of him,’ declined to answer before the Lyon King, but was prepared to do so ‘befor his competent juge and at place convenient.’ The king’s advocate took instrument ‘that the lord Drummond refusit the xl dais of

¹ *Ibid.* 705.

² *Ibid.* 708.

³ *Ibid.* ii. 23, 6; 32a, 2; 35a.

⁴ *Ibid.* i. 573.

⁵ *Ibid.* ii. 74.

⁶ *Ibid.* i. 507-8; cf. 534, 547.

⁷ *Ibid.* 505.

⁸ *Ibid.* ii. 105.

⁹ *Ibid.* 22; cf. Pollard, *Evolution of Parliament*, p. 39.

privelege that all lordis and barounis aucht to have be the law to ansuer apoun tresoun and was content to underlie the law for the crymes imput to him in this present parliament without ony exceptioun, he gettand ane assis of condigne persons.' Whereupon Arran asked instrument 'in name of al my lordis and barounis temporale that albeit my lord Drummond was content to underlie the law incontinent for the tresoun imput to him and refusit the privelege of xl days granted to barounis in sic caisis that the samin suld turne thaim to na preiudice quhen sic thingis suld happin to ony of thame.¹ In 1517 'parliament' was called on forty days by precepts of Chancery, with summonses of treason 'apon the personis dilatit of the slauchter of lord la Bastie,' and for any other cases 'of treason.'² A few years later the period of notice is expressly stated to be customary. On March 13 'parliament' was set for July 24 'upoun the premunitioun of xl dais, as us is and efferis theruntill'; but proclamation was not to be made till forty-five days before the appointed date.³ The Clerk Register and the Justice Clerk, writing in 1559, distinguish two forms of process in treason, (1) before the King in 'parliament,' and (2) before the Justice General and an assise, unfortunately without explaining the principle of application; but they add that condemnation in the latter court has the same force as if it had been in 'parliament.'⁴

There was a curious incident in 1514, involving, apparently, no case of treason. On September 21 the Council proposed a 'parliament' at Edinburgh for November 17. Queen Margaret and the Douglas faction projected a 'parliament' at Perth. The director of Chancery had the necessary quarter-seal, and supported Margaret. On October 23 he was ordered by the Council to produce the seal, that precepts might be directed to 'all personis at aw presens in the parliament'; otherwise the lords would command a new engraving. On October 26 the Council ordained precepts to be delivered on October 28—a clear twenty days before the meeting.⁵ This is interesting, because Sir Geo. Mackenzie in his *Institutions* says that 'conventions' of the estates in his time were called on twenty days;⁶ and the 'convention' has a continuity with the older 'general council.' Loss of the record conceals the technical term entered

¹ *Act. Dom. Con.* (MS.), July 11, 1515.

² *Ibid.* Sept. 28, 1517.

³ *Ibid.* March 13, 1524-5.

⁴ *Discours d'Escosse*, Ban. Club, 18 ff.

⁵ *A.D.C.* Sept. 18, Oct. 23-26, 1514.

⁶ Cf. Robertson, *Statuta*, i. 143 n.

in 1514. ‘Parliament’ may have been used on the plea of force and fraud, or on the strength of public opinion; but a sentence on treason or on a doom would have been questionable. Possibly notice of twenty days was held sufficient for the main purpose of declaring Margaret no longer tutrix: ‘general council’ was competent in 1388 to make Fife guardian, and in 1398 to appoint Rothesay lieutenant.¹

Towards the close of the sixteenth century the history and status of ‘general council,’ for reasons which will soon appear, puzzled even the Clerk Register. In 1587, on the practical question of printing the Acts of Parliament, he inquired: ‘In the actis alreddy imprentit thair is sundry actis apperandly not maid in parliament bot in generall counsell: think ye thame of like validitie as actis of parliament?’² Craig writes: ‘What then, it will be asked, of those statutes which are made in conventions of the estates or orders outside parliaments? Will such statutes have the force of laws? I do not think that these either [he has been speaking of acts of privy council] have equal force with acts of parliament: otherwise there would be no point in summoning parliaments, if what was done outside them had the same strength and validity; although I am aware that acts of convention not only have the authority of laws but by old custom were observed as equivalent to laws, especially when parliaments were not in use; for at that stage these conventions were in place of parliaments.’³

The ‘consilium’ of David II. in 1357 must have been called on less than forty days, and the three estates were represented: ⁴ in 1363 there is an implied difference, in respect of the seal appended to writs of summons and the period of notice, between *parliamentum* and *consilium*.⁵ Yet there is a sense in which *parliamentum* may be *generale consilium*, as in 1368 when it deliberated for four days on relations with England.⁶ In 1369, when a commission was appointed, while the rest had licence to depart, the original constituent assembly acted by way of *generale consilium*, and the commission appointed was *consilium generale*.⁷ The transposition is not accidental. *Consilium generale* is applied to the whole commission, including certain persons nominated by the king. In the first ‘parliament’ of

¹ *A.P.* i. 556, 572.

² *Suppl. Parl. Papers*, i. 35.

³ *Jus Feudale*, i. 8, 10 (translated).

⁴ *A.P.* i. 491.

⁵ *Ibid.* 493.

⁶ *Ibid.* 503a.

⁷ *Ibid.* 534, cf. 508.

James I. (1424), which proceeded by commission, there was a case anent possession of the priory of Coldingham. The *presides* or *presidentes parlamenti*, as the committee on justice, gave decret; instructions were then given to the rightful prior *per dominum regem et suum consilium*; the whole finding—decret and instructions—was then incorporated as an *actum parlamenti*.¹ The extract, at Durham, has above the tag of the seal *actum consilii generalis*.² In 1368 there were two 'parliaments,' at the second of which persons were chosen *ad parlamentum tenendum*. In both cases David II. speaks of *nostrum consilium in parlamento*.³ It may be supposed, therefore, that *consilium generale* in this connexion came to be used of the *electe persone*, or commission, sitting finally as one body; for in 1369 the special committee on justice is to be ready *ante penultimum diem parlamenti*,⁴ and the 'act' of 1424 anent Coldingham, embodying a decret of the judicial committee, bears traces of having been 'pronuncit'—as the later technical term had it—at a final meeting of the whole commission. In any case this use of *consilium generale* seems to be transitory, and relative perhaps to the fact that the commission of 'parliament' was a body subdivided by committee, meeting finally in joint session.

There is, however, a use of *consilium generale* in which there is an implied, and sometimes an express distinction between *consilium generale* and *parlamentum*. In 1384 the three estates were gathered *tanquam ad consilium generale*.⁵ Prelates and their procurators attended, others of the clergy, earls, barons, and burgesses.⁶ There were no judicial sentences, though measures were taken to improve the administration of justice. In 1385 we have two *consilia generalia*: in the second Carrick is *presidens*, like James II. in 1443.⁷ By 1388 we have express reference to a distinction. The three estates in *consilium generale* made Fife guardian; and his conduct would be reviewed by *consilium generale vel parlamentum*—assemblies of the estates which seem now and hereafter to be viewed as alternative. Both kinds of meeting are public, for that now held is *plenum consilium*, and the audit, which is to be annual, will take place *in pleno parlamento vel in generali consilio*.⁸ Again in 1397 the estates are in 'consail general,'⁹ and proceed, somewhat after the fashion of 'parliament' in appointing a commission, to

¹ *A.P.* ii. 25.² Nat. MSS. ii. No. 65.³ *A.P.* i. 532-3.⁴ *Ibid.* 534a.⁵ *Ibid.* 550a.⁶ *Ibid.* 551b.⁷ *Ibid.* 551, 553; ii. 33.⁸ *Ibid.* i. 555-6.⁹ *Ibid.* 570.

name a smaller body—*persone . . . ad consilium nostrum limitate*.¹ This process seems to be repeated in 1398, when the estates in ‘consail generale’ created Rothesay lieutenant for three years, and a distinction was drawn between the ‘consail generale’ and the ‘consail special,’ the latter apparently a repetition of the ‘limited’ council of 1397.² At the same time there is reference to prospective assemblies of the estates, which may be ‘consail general or parlement.’³

It stands to reason that *parliamentum*, the high court summoned on forty days, would be cumbrous and unsuitable in cases of urgency which nevertheless demanded ‘general counsel.’ In 1357 the *consilium* had to consider the finance of David’s ransom. In 1363 the promise at Scone to respond to summons *sub quocunque sigillo*, without taking exception to either time or place, was given in connexion with English negotiations; and it indicated the need for an assembly which was representative and also convenient *pro re nata*. One of the *puncta* on which *parliamentum* was called in 1367 was the question of relations with England; and it was decided that if any tolerable conditions emerged ‘our lord the King and those of his sworn counsellors who are more nearly accessible to him at the time are to have free power in name of the prelates and lords assembled in this parliament to choose ambassadors and tax their expenses . . . without calling thereanent parliament or other council whatsoever.’⁴ The next parliament was informed that England would not negotiate *nisi per deliberationem et commissionem generalis consilii*, that is by some full and representative meeting of estates.⁵ The ‘consail generale’⁶ or *consilium trium statuum*⁷ was competent in 1398 to ordain a tax for ambassadorial expenses, and in 1423 to authorise agreement with England for the deliverance of James I.

There is one curious and difficult point which deserves closer inquiry by scholars. In 1363 it is implied that *parliamentum* is associated with a particular *locus*. From David II. to Robert III. the vast majority of *parliamenta* are connected with Scone or, occasionally, Perth. It is interesting, therefore, to observe that Alexander Cockburn in 1393 owes three capital suits, viz. at the justice-ayres of Berwick and Edinburgh and at *parlia-*

¹ *Ibid.* 572.

² *Ibid.* 572-3.

³ *Ibid.* 573b.

⁴ *Ibid.* 502b (translated).

⁵ *Ibid.* 503.

⁶ *Ibid.* 574.

⁷ *Ibid.* 589.

*mentum nostrum tentum apud Sconam.*¹ *Consilium generale*, on the other hand, moves more freely. We find it at Perth, Stirling, Linlithgow, and Edinburgh.

When we come to the period succeeding 1424 and the return of James I. the inquiry becomes very difficult. Though information is somewhat fuller, it is not derived directly from original records of Parliament. Under James I., according to Thomson's edition of the *Acts*, there were twelve 'parliaments' and three 'general councils'; and eleven of these 'parliaments' were at Perth. Under James II. eight of the fifteen 'parliaments' were at Edinburgh, four at Perth, and three at Stirling; while of the thirteen 'general councils,' five met at Edinburgh, six at Stirling, and two at Perth. With James III. and the beginning of the authentic parliamentary register there is a complete disappearance of 'general council.' All the assemblies recorded now are 'parliaments,' and all but one (Stirling) meet at Edinburgh. Under James I. 'parliament' is closely associated with Perth; under James III. it becomes as closely associated with Edinburgh. The transition period of James II. is remarkable because the estates assemble almost as often in 'general council' as they do in 'parliament.'

If our information does not enable us at present to see all the bearings of this change, there are one or two intelligible and important facts. It cannot escape notice that under James I. 'parliament' and 'general council' are still distinguished both in the denomination of the assemblies and in the body of the record.² At the same time there are indications of contamination. In March of 1427 the clerk of the *consilium generale* twice slips into the term 'parliament' with reference to the existing assembly; ³ and once again, in 1436, he does the same.⁴ Moreover the meeting at which James endeavoured to carry so fundamental a measure as the representation of the small barons and freeholders of the sheriffdom was itself a *consilium generale*; and the act repeatedly mentioned the obligation to attend 'in parliament or general council,' while it implied that both modes of assembly had been called by the king's 'precept.'⁵ In 1425, again, the duty of personal compearance had been affirmed;⁶

¹ *A.P.* 580: in 1164 Malcolm IV. speaks of the church at Scone as 'founded in the principal seat of our kingdom' (364).

² Cf. *A.P.* ii. 9, c. 8; 15, c. 2.

³ *Ibid.* 15, cc. 4, 10.

⁴ *Ibid.* 23, c. 5.

⁵ *Ibid.* 15, c. 2.

⁶ *Ibid.* 9, c. 8.

and in both the *parliamentum* and the *consilium generale* of 1427 the summons is definitely stated to have been equally comprehensive in each case, and the fines for absence to have been imposed.¹ The clerk in fact uses exactly the same descriptive formula.

The policy of James I. in this matter can scarcely be elucidated without a more careful comparison with current procedure in England than has as yet been attempted. But it is clear that the *consilium generale* at Perth in July, 1428, evoked some controversy. The French marriage of Princess Margaret was in question.² There is special significance, whatever it may turn out to be, in the phrase *consilio generali . . . inchoato ratificato et approbato tanquam sufficienter vocato et debite premunito*.³ The natural interpretation is that James, in pursuance of the act in March, according to which 'all bischoppis abbotis priors dukis erlis lordis of parliament and banrentis . . . wil be reservit and summonde to consalis and to parliamentis be his special precep,'⁴ was now trying to modify *consilium generale*. The problem requires consideration in the light of what may be discovered regarding the whole parliamentary policy of the king. There are signs that he disapproved of the slack attendance, which may have been encouraged by the commission procedure adopted in 1367; and it would be interesting to see whether his object was to obtain a representative 'parliament' in which *consilium generale* in its older form should be merged, and which might be expected to attend throughout the session without resort to the appointment of a commission with *licentia ceteris recedendi*. The 'parliament' of March 6, 1429, does not seem to have proceeded by commission. It was still sitting in considerable force on March 17.⁵

¹ *Ibid.* 13, 15.

² Thomas Thomson's heading of the contract (*ibid.* 26) involves two errors: the contract was at Perth, and on July 19, as the document shows.

³ *Ibid.* 16.

⁴ *Ibid.* 15.

⁵ *Ibid.* 28, where Thomson's date, March 10, is a mistake. The orthodox view of the Lords of the Articles requires serious reconsideration. Their probouleutic function is in place when Parliament does *not* proceed by commission, and when business must be digested for a house reluctant to remain long in attendance. We must not confuse a *commission* with a *probouleutic committee*, though there is obvious contamination. The Lords of the Articles, properly so-called, might be expected to come into action when James I. sought to abolish the *licentia recedendi*, and consequently to accelerate business. The Lords of Articles became a regular institution; but procedure by commission did not disappear.

Whatever were the purposes of James I., there is no visible alteration in *consilium generale* during the earlier portion of his successor's reign. In 1440 suits were called and fines for absence imposed;¹ and the assembly was large enough to appoint a committee of thirty-one, 'depute be the hale generale counsaile apou this and othis divers materies.'² But the Parliament of January, 1449, concluded with an ordinance which seems to be of great interest in view of succeeding developments.³ There was to be a 'generall counsall' at Perth in May. The obligation to compare was to be incumbent upon those receiving 'the precept of the kingis lettres,' a hint that all who owed attendance would not necessarily be summoned. An act had just been passed 'indicating that summons in causes 'befor the king and his consal' was competent on fifteen days. It appears also that the summons must be 'undir the quhite wax,' and that in the case of this 'general council' summons by a pursuer, also under the white wax, must be served on forty-five days. This is a matter which would demand attention from anyone engaged in tracing the evolution of the 'lords of council and session.' For the present purpose it is sufficient to note that the ordinance treats 'general council' as a court—and we know that it appointed an auditorial committee in civil causes⁴—but a court of narrower competence than 'parliament,' and subject in some measure to the selective power of the crown.

That 'general council' tended at this period to diverge from 'parliament' and approximate to an enlarged privy council is an important fact in Scottish constitutional history which has escaped notice and which should be made the subject of special investigation. It is the fact which explains the difficulty the Clerk Register and Sir Thomas Craig had towards the close of the sixteenth century in estimating the validity of acts in 'general council.' There can be no doubt that the process is intimately connected with the practice of creating 'lords of parliament'; but what the connexion is must remain for the present obscure. About the middle of the fifteenth century there was a great development of the practice. Unfortunately the *Scots Peerage* does not contain any excursus or statistical discussion; and the particular articles are often vague on the point, as some of the contributors failed to note useful evidence:

¹ *A.P.* 32.² *Ibid.* 56.³ *Ibid.* 39.⁴ *Ibid.* 37.⁵ *Ibid.* xii. 22.

such, for example, as the statement of the Auchinlek Chronicle that in 1452, ‘thar was maid vi or vii lordis of the parliament and banrentis,’ who are named. At all events it is in 1456 that we have a *consilium generale* appearing for the last time upon what may be called parliamentary record. Even if allowance is made for defective evidence before 1466, when the extant register of Parliament begins, it is impossible to ignore the importance of the fact that after 1466 that record knows nothing of ‘general council.’ The point has been obscured, perhaps, by Thomas Thomson, who printed at the head of the Acts under James V. the minute of a ‘generale counsale’ held some weeks after Flodden, without explaining that he took it from the *Acta Dominorum Concilii*.¹ It may be that in 1464 the clerk described a considerable assembly of representatives of the estates as *congregatio* because he was at a loss for a strictly technical term; ² and it should not be overlooked that in 1466 ‘summundis peremptour’ in actions ‘befor the king and his counsale’ was abridged to twenty one days.³ A special register of the acts of the ‘lords of council’ can be traced back to 1469.⁴

From this period ‘general council’ seems to become narrower. In 1476 the alternative of ‘parliament or generale consale’ is still contemplated; ⁵ but in 1473 no account of the ‘generale consale’ on the conduct of Archbishop Graham appears on parliamentary record.⁶ At the very end of James III.’s reign we learn how ‘parliament’ was summoned.⁷ Besides ‘generale preceptis,’ there were ‘speciale lettres’ under the signet to prelates and great lords, indicating the cause of meeting. These ‘letters’ did not give the forty days’ notice required in the case of the ‘precepts.’⁸ For ‘general council,’ it would appear, only letters under the signet were necessary. An examination of the ‘general councils’ under James IV. is not needed to show that they had become little more than enlarged privy councils. An inevitable consequence was that the burgh commissaries tended to drop out of meetings in which business closely affecting their interests might be transacted; and there was danger in the tradition of competence attaching to the older and more representative assemblies. Thus in 1503 Parliament ordained ‘that the commissaris and hedismen of burrowis be warnyt

¹ *Ibid.* ii. 281.

² *Ibid.* 85, c. 7; cf. 37, c. 18.

³ *Ibid.* 114.

⁴ *A.P.* ii. 184.

² *Ibid.* 84.

⁴ *Act. Dom. Con.* ii. xcvi.

⁶ *Treas. Acc.* i. 46.

⁸ Cf. *ibid.* 213; *T.A.* i. 113.

quhen taxtis or contributiouns ar gevin to haif ther avise thir-
intill as ane of the thre estatis of the realme.'¹ In 1563 it was
enacted that five or six of the principal provosts and bailies
should 'be warnit to all conventiounis that sall happin the
quenis grace . . . to conclude upone peax or weir . . . or making
or granting of generall taxatiounis.'² In 1567 the provosts and
commissaries were to be summoned to any 'generale con-
ventioun' on the weighty affairs of the realm and 'in speciale
for generale taxtis or extentis.'³

These quotations show us the term 'convention' in estab-
lished use. It crept in during the reign of James V.; but a
detailed study of the facts would be too laborious for the present
purpose. Not the least unfortunate result of the resignation
of Thomas Thomson was that his collection of extracts from
the MS. *Acta Dominorum Concilii* relating to public affairs,
intended to form an introductory volume to the *Register of the
Privy Council*—a register which assumed independent existence
in 1545—came to be overlooked, and remains to this day the
most important unpublished material relating to the period.
Brewer's calendar of the Henry VIII. papers and his historical
introduction suffered in consequence: the foundation of the
College of Justice in 1532 has not been connected with
the judicial development which led up to it: many im-
portant facts relating to Parliament and Council have escaped
notice: the whole history of James V.'s reign stands in need
of revision.

We find 'convention' in 1522 and 1523 applied to gatherings
which had a military design.⁴ Within a very few years 'general
convention' or 'convention' had almost ousted 'general
council' in common usage. Special investigation, which might
be suitable for a research student, would illustrate in detail how
'convention' was treated: how the 'letters' were issued by
the Secretary under the signet: how short, sometimes, the notice
was: how considerable, on occasion, the attendance—as in
1531, when fifty-five members sat:⁵ how this form of meeting
appears at once in the *Register of the Privy Council*, where the
lords responding to summons are enumerated after the Privy
Councillors under such headings as *ratione conventionis* or *extra-
ordinarii ratione conventus*. The continuity of 'general council'
and 'convention' is obvious.

¹ *A.P.* ii. 252, c. 30.

² *Ibid.* 543.

³ *Ibid.* iii. 42.

⁴ *Tr. Acc.* v. 208, 212, 225.

⁵ *A.D.C.* Jan. 26, 1531.

It may be useful to quote a mutilated specimen of the ‘letters’ issued in summons, extant among the Supplementary Parliamentary Papers;¹ probably one prepared by the Regent Arran’s Secretary and not sent out. Addressing his ‘richt traist cousing,’ the Regent expresses fear of English invasion. ‘It is thocht expedient be us and the lordis being here present with us that ane conventioun be h . . . and barronis of this realme and uthiris quhais counsale ar to be had in this behalff . . . prayis you rycht effectuislie as ye luif the wele and prosperitie of this realme . . . you to be in this toun of Edinburgh the last day of this instant moneth of Januar . . . counsale to be had in all thir materis and uthiris as salbe schewin to you at . . . failze nocht heirintill as ye luif the auld honour and fame that our foirbeiris . . . for the debait of this realme and liberte of the samin.’ The letter is dated January 9, 154-.

Lastly, it may be well to refer to the famous act of 1587 anent commissioners of the sheriffdoms,² lest any too trustful historian be deceived by the astounding statement in the *General Index*, s.v. ‘Convention of Estates’: ‘The commissioners of shires to be summoned to general conventions by precepts of chancery like the other Estates.’ What the act intends to say is perfectly consistent with the general results of the present inquiry. When there is to be ‘parliament’ summons is by ‘precepts furth of the chancellarie’: when ‘generall conventioun,’ by ‘his hienes missive lettres or chargeis.’ One clause is peculiarly apposite to the point discussed, because it indicates the practical considerations which made ‘general council’ or ‘convention’ a useful instrument *pro re nata*, an elastic assembly which could be rapidly summoned and which, though not fully representative, might be held to reflect the views of the estates: ‘And that his Maiesties missives befor generall counsellis salbe directit to the saidis commissioners or certane of the maist ewest of thame as to the commissioners of burrowis in tyme cuming.’ Proceedings at the Convention of 1585, when the league with Elizabeth was sanctioned, illustrate the advantages of an assembly called on shorter notice than ‘parliament,’ and also the growth of a feeling that it had become insufficiently representative to commit the estates. The matter ‘may na langer be protractit nor without perrel differit to a mair solemne conventioun of the hail estaittis in parliament’: authority to conclude is granted ‘for ws and in name and behalff of the hail esteatis

¹ I. No. 12.

² *A.P.* iii. 509-10.

of this realme quhais body in this conventioun we represent'; but it is recognised that subsequent confirmation in Parliament will be necessary.¹ In 1583, again, James VI. desired a taxation, and 'convenit a gude nowmer of his estaittis.' So large a sum, they considered, required 'the presence of a greittar nowmer.' There was no doubt, of course, that 'convention' had competence; but final resolution was postponed till 'the assembly of his hienes estaittis in his nixt parliament . . . or to a new conventioun of the estaittis in greittar nowmer nor is presentlie assembled.'² If James I. sought to fuse 'parliament' and 'general council,' he failed. It is very remarkable that under James VI., when his predecessor's Act of General Council for the representation of shires was being carried into effect, we should find this evident sense of dissatisfaction with 'convention' as it stood, and a gradual approach—or, according to the view here adopted, a return—to the full publicity of a general assembly of the estates.

Clearly 'general council' or 'convention' is a salient and distinctive feature in the constitution of Scotland. The conventions of the seventeenth century will doubtless become more intelligible when we understand the long tradition upon which they were founded.

R. K. HANNAY.

¹ *A.P.* 423.

² *Ibid.* 328.

The Stuart Papers at Windsor Castle

THE Royal Library at Windsor contains the immense mass of letters and papers known as the Stuart Papers which formerly belonged to the last members of the direct Stuart line, James VIII. and his two sons, Charles III. and Henry IX. The papers were brought to England from Italy at dates between 1810 and 1817. The document which is here published for the first time is of interest, because it appears to be the earliest hitherto-discovered description of one important section of the Stuart Papers.

It seems scarcely necessary to go over the somewhat chequered history of the Stuart Papers, which have been subject to almost as much maltreatment and as many vicissitudes as the unfortunate Family, whose tragedy they unfold. For is it not written in the Chronicles of the Historical Manuscripts Commission, the six bulky volumes already published which bring the Calendar down to about March 1718? The wonderful thing is that the papers have survived at all. In order, however, that the document now printed may be intelligible, it is necessary to recapitulate some of the main facts.

It has long been known that the Stuart Papers came from two different sources and were acquired by the Crown on two distinct occasions. The first consignment of papers was obtained from the Abbé Waters, Procureur-General of the English Benedictines at Rome, as the result of negotiations begun in 1804 and concluded in 1805 by Sir John Coxe Hippisley and, after lying for several years at Civita Vecchia awaiting transport to England, were finally brought to London via Tunis in 1810. This consignment represented, as far as can now be discovered, the whole or part of the papers which passed at the death of Charles III. to his daughter, the Duchess of Albany, and at her death to Abbé Waters under conditions to be discussed later.

The second consignment, which contained the papers belonging to the Cardinal York and which he had for the most part

obtained from his father James VIII. and the main line of the Family, passed on the death of the Cardinal to the Bishop of Milevi, Mgr. Cesarini. Their value was quite unknown and unappreciated and after they had lain in a garret in Rome for some time, they were bought for a few pounds by a Scot of very doubtful reputation, Dr. Robert Watson, who was ultimately compelled to hand them over to the British Government. They reached England in 1817. The full story, one of the most romantic in the whole history of Manuscripts, will be found in Vol. I. Stuart Papers, *Hist. MSS. Comm.* pp. ix.-xiv.

The two collections are now housed together at Windsor and it is difficult, if not impossible, to decide with accuracy which documents belonged to which collection. This is due to the fact that the Commission appointed in 1819 to examine and report upon the Papers resolved that the first step was to arrange them all in chronological order. Some of the documents in the first collection can be identified by reason of their having endorsements by Abbé Waters.

The following is the new document, which throws some light upon the early history of the first collection.

DOCUMENT

THE Abbe J. W[aters] a Native of I[taly] educated at Douay & Monk of the Benedictine Order about 17 years ago at Paris became made known to the Natural Daughter of the late Pretender known by the name of Miss S[tuart] who lived in that Metropolis with her Mother.

In 1777 M^r W[aters] was appointed Agent-general to all the English Benedictine Convents, in which capacity he has resided at R[ome] ever since.

In the year 1785 two or 3 years before he died the late C[ount] of A[lbany] acknowledgd and publickly ownd Miss S[tuart],¹ brought her to Florence & distinguishd her with the T[itle] of D[uchess] of Albany. She liv'd with her Father till his Decease. Soon after her Arrival in Italy she sent for M^r W[aters] & treated him uniform[ly] with many marks of confidence [and] of esteem till her death which happen'd in November. 1789. In her Will she appointed M^r W[aters] her Executor & assign'd to him all her books & papers. These M^r W[aters] brought from Florence to Rome & deposited in the apartment of the

¹ as his daughter' erased.

Palace of the C[ancellaria] (which as V[ice] Chancellor of the apostolic See belongs to the Cardinal of York) which had been hers but has ever since been considered that of M^r W[aters].

Having occupied some of my leisure at R[ome] in searching public Libraries for papers relating to the History of my own country—his R[oyal] H[ighness] P[rin]ce A[ugustus] in December last condescend[ed] to inform me that he had heard of M^r W[aters] being in possession of some papers relating to the S[tuart] Family & signified his pleasure that I should make his acquaintance & use my endeavor so far as to investigate the real state of them. In the course of a few weeks I succeeded so far & obtained a view of them.¹

The collection is contained & entirely fills 2 Presses of almost 7 feet high & between 5 & 6 wide & 18 inches deep each—the transient view I was allow'd to take prevents my giving the full & satisfactory account of them I could wish. The principal were as follows.

There are four volumes in quarto of upwards of a 1000 pages each containing a History of the Affairs of England from the Death of Charles 1st to the year 1701. It is written in English—with much apparent accuracy & with marginal references to Letters & Documents from whence compil'd. The originals were probably destroy'd when the History was finish'd, as I saw no letters previous to the present century.

Six Volumes in small Folio & a 7th begun of Letters, Warrants, public Papers etc from the year 1701 to the year 1774.

Two odd volumes by a M^r MacEgan of a Journal kept by him during his attendance on the Pretender.

The other Volumes were sent a few years ago to Mons^r Guyot of Paris who was composing a History of the Times of which they treated & were never returned.

A Journal of the years 1745 & 46 written in French of sufficient length to form a moderately sizd Quarto volume.

Account Books of all the Receipts & Expenditures of the Family kept with great exactness & several other M.S. volumes bound up, which must be left for future examination.

A collection of Keys for decyphering private correspondence with lists of the feigned names assumed by the correspondents & of such persons as they had occasion to mention.

The letters are chiefly from the beginning of this century to the death of the Count of Albany & contain not only such as

¹ 'the vast & valuable collection' deleted.

were receiv'd by the Stuarts during that period, but the answers to them : for M^r W[aters] informs me that it [had] ever been the custom of the Family never to write a letter or billet even in the most trifling occasion without keeping a copy of it. It may be observ'd that M^r Waters inform'd me that after the decease of the Duchess, he burnt all those that were of a trifling nature.

The different correspondences were in general tied or seal'd up in different bundles—I took down one which contain'd letters from the Bishop of Rochester & the Duke of Wharton to the Pretender in the year 1727, written under feign'd names & partly in figures which were explain'd in interlineations. It is probable that this collection contains all the letters & other papers to and from the friends and adherents of the Stuart Cause during the present century, the immense bulk of which may be conceiv'd from the dimensions of the Presses above given which are stuff'd entirely full.

During my intercourse with M^r W[aters] I ask'd him what was his intention as to the use or disposal of them. He replied that at the death of the C[ardinal] of Y[ork] he had thoughts of turning them to some account & should probably sell them. I then ask'd him whether any consideration would induce him [to] part with them before that event. He said none—I then added that I was authoris'd by P[rince] A[ugustus] to treat with him for them & would enter into a negociation immediately. He answered : that whatever might be his inclination, his situation with the C[ardinal] render'd it impossible. For tho' by the will of the Duchess they were his own property & tho' the C[ardinal], whose inactivity of temper prevented him from interesting himself in any thing of the kind¹ & who when M^r W[aters] has mentioned them to him has repeatedly said "you have them, do what you will with them."—yet if any negociation was to transpire particularly with the parties in question, such is his influence that M^r W[aters] would run the risque of being arrested²—& he would give orders for all the papers to be burnt. Nothing of the kind would be carried on without his knowledge, for he is surrounded by people who have this end in availing themselves of the weakness of his disposition & who amuse him with the most trifling details, so that all his dependents are oblig'd to act with the utmost circumspection.

¹ 'and who in fact knows or cares very little about them' deleted.

² 'and imprison'd perhaps for life' deleted.

The result of our conference was this—that upon condition that the business should not be known to a 4th person he would solemnly pledge himself never to dispose of them to any one but to P[rin]ce A[ugustus] or the R[oyal] F[amily] of England without their consent.

That I might give his R[oyal] H[ighness] some general idea of them, he introduced me to a sight of them—saying that I was the first to whom he had ever shown them & that the only M.S. that had been seen was the Journal of 1745 above mention'd which he lent to Sir J[] M[] last year under a promise of secrecy & who imparted it in confidence to his R[oyal] H[ighness].¹

As M^r W[aters] does not occupy his apartment in the C[ancellaria], but resides in a house at some distance belonging to him as Agent, he means to remove² the most important MSS from time to time to his own dwelling. According[ly] he now sets apart two days in the week to make selections.³ He has already remov'd all the books above recited, the keys to the cyphers & many of the Letters & especially those written by the Pretender relative to the Rebellion in 1745.

He promis'd to give me a general list of the most material, but he puts me off as often as I see him, & I believe in reality is fearful lest any written paper that relates to the collection should go out of his hands.⁴

M^r W[aters] is turn'd of 40 & is respected as a man of integrity—the C[ardinal] is near 70 & not of a strong constitution so that there is little doubt but that the Royal Family will be in possession of this valuable collection in the course of a few years.

I endeavour'd to find out what kind of recompence M^r W[aters] was most inclin'd to. I am not authoris'd to decide, but I believe a Pension would be most desireable, nor do I think he is unreasonable in his expectations.

There are also in his apartment in the C[ancellaria] about 40 Miniature Portraits of the Stuart Family beginning with Mary Queen of Scots. These are the property of the Cardinal.

The Highland Dress worn by the Pretender in the year 1745.

¹ 'from whence the knowledge of the whole arose' deleted.

² 'I advis'd him to remove' in first draft.

³ '& loads his servant & himself home in the evening' deleted.

⁴ 'and it is only in failure of which that I attempt this imperfect sketch' deleted.

The Jewels of the S[tuart] Family & many that were carried for [*sic*] E[ngland] by James 2nd were for some time in possession of M^r W[aters] after the death of the D[uchess] of A[lbany] & who if requir'd would furnish a Catalogue of them & at how much they were estimated.

In a subsequent interview with M^r W[aters] he assur'd me that tho' no inducement should tempt him to depart from his engagement with P[rince] A[ugustus], yet he should feel himself more bound to his R[oyal] H[ighness], if¹ he would condescend to solicit the P[ope] for some Benefice or Pension for him, his income having suffer'd so materially from the Revolution in France.

This being reported, his R[oyal] H[ighness] graciously undertook the solicitation & in his last interview he obtained a promise from His Holiness, that M^r W[aters] should be provided for.

It will be observed that the document is unsigned. It was bought some years ago among a number of other papers connected with Sir William Hamilton, the distinguished sailor who is perhaps best known as the husband of Lady Hamilton, the friend of Nelson. It now belongs to the present writer. The handwriting has been examined and is clearly that of Sir William Hamilton. The document is a draft, not a fair copy, and at present it is not known whether the fair copy still exists or even to whom it was sent. It was probably a confidential report made by Hamilton either to some Minister of the Crown or possibly to some member of the Royal Family. This may be inferred from the sentence² that the understanding with Waters was not to be known to a fourth person. Presumably Waters himself, Hamilton and the recipient of the report were the three persons who were to be in the secret. The reference to Prince Augustus in the following sentence makes it clear that the third person was not the Prince himself.

The date of the document is almost certainly 1793. Hamilton is known to have been in Rome in 1792, 1793. Moreover, this can be inferred from the statement that 'the Cardinal is near seventy'—he was seventy in 1795.

The Stuart Papers are not at present open for inspection in the ordinary way, as they are being arranged and bound: and until that process is complete, examination of them is difficult. Moreover, a considerable portion of them is away from Windsor

¹ 'before he left Rome' deleted.

² P. 175.

in the Public Record Office, undergoing further examination. His Majesty the King was however graciously pleased to grant permission for the Papers to be seen, for the purpose of ascertaining some points arising from the Hamilton document.¹ Assuming that this is the earliest statement of the contents of the Waters collection, it is obviously of interest to see how Hamilton's list compares with other records of the collection.

There have hitherto been two lists. One was that of Waters himself and was stated to be in a certain green portfolio which accompanied the collection and which was apparently extant in 1902, when the Historical Manuscripts Commission published their first volume.² It was not available for this investigation and is probably at the Record Office. The other list was that made by the Rev. Stanier Clarke, Librarian to the Prince Regent, when he handed over the Stuart Papers to the Commissioners in 1819. This second list is a rather slipshod and certainly incomplete one and not much reliance can be placed on it. Further, it must be remembered that Hamilton's list merely represents the results of a 'transient view' of the collection, not a systematic examination by a trained historian.

It has, however, been possible to identify some at any rate of the items seen by Hamilton with documents now at Windsor and thus to establish the provenance of those documents as coming originally from the Waters collection.

I. '*Four volumes in quarto of upwards of a 1000 pages each containing a History of the Affairs of England from the Death of Charles 1st to the year 1701. It is written in English—with much apparent accuracy and with marginal references to Letters and Documents from whence compil'd.*'

This is evidently the set of four volumes quarto of '*The Life of James II. King of England, etc., collected out of Memoirs writ with his own hand,*' covering the years 1641-1701.

Vol. I. contains 1091 pp. : II., 893 ; III., 740 ; IV., 978. The period down to the death of Charles I. is in Vol. I., pp. 1-138. This work was published by the Rev. Stanier Clarke in two volumes in 1816.

II. '*Six volumes in small Folio and a seventh begun of Letters, Warrants, public Papers, etc., from the year 1701 to the year 1774.*'

¹The actual investigation was made by Mr. H. H. Bellot for the present writer.

²H.M.C. vol. i. p. vi.

This is probably either (1) 'Five volumes of Entry Books,' numbered 3 in Clarke's list¹ or 'Register of Letters from 1769 to 1774 and copies and minutes of commissions, warrants, etc., 1719-1773,' numbered 10 in Clarke's list. These are not at present at Windsor and are presumably at the Record Office.

III. '*Two odd volumes by a Mr. MacEgan of a Journal kept by him during his attendance on the Pretender.*'

In Clarke's list item 4 is a "Historia della Reale Casa Stuarda composta da Giovanni MacEgan di Kilbaran." This is almost certainly part of the *Histoire de l'Irlande* published in 1758 by the Abbe James MacGeoghegan, one of the members of the Irish Royalist sept of MacGeoghegan which hailed from Castletown-Geoghegan, near Kilbeggan. The last section of the book is described as the History of the Four Stuart Kings and goes down to 1699. But the document seen by Hamilton cannot be the same. The Abbe James MacGeoghegan does not appear to have been in attendance on the Prince. It may have been the work of another member of the family, Alexander who was with the Prince in Scotland in 1745-46 and later saw service with the French in India: or it may have been his brother Sir Francis who was in Lally's regiment and fell at the battle of Laffeldé 1747. For this suggested identification of 'MacEgan' with one of the MacGeoghegans, the present writer is indebted to Dr. Walter Blaikie.

IV. '*The other volumes were sent a few years ago to Monsr. Guyot of Paris who was composing a History of the Times of which they treated and were never returned.*'

The reprehensible borrower was probably G. G. Guyot who published an *Histoire d'Angleterre* in 1784, and an *Histoire de France*, in 1787-95.

V. '*A Journal of the years 1745 and 46 written in French of sufficient length to form a moderately sized Quarto volume.*'

There is a document entitled 'Memoires pour servir à l'histoire du Prince Charles Edouard Stuard 1745 et 1746' 359 pp., which would make a thin quarto if bound up: at present it is in sections tied with pink ribbon.

VI. '*Account Books of all the Receipts and Expenditures of the Family, etc.*'

There are at Windsor a large number of Account Books.

VII. '*A collection of keys for decyphering private correspondence.*'

These have mostly been published by the Historical Manu-

¹H.M.C. i. vi.

scripts Commission. They are presumably at the Record Office now.

VIII. 'I took down one [bundle of correspondence] which contained letters from the Bishop of Rochester and the Duke of Wharton to the Pretender—in the year 1727.'

All the separate letters received—and they are said to number over 60,000—have by now been arranged in chronological order and the bundles covering 1727 have been already bound up.

The volumes for 1727 do contain letters from the Bishop of Rochester and the Duke of Wharton.

From this it will be seen that Sir William Hamilton was very accurate in his observations and that a good deal of what he saw can still be identified.

The main interest of the document is to show that the negotiations for the Waters collection did not begin with Sir John Hippisley in 1804, as apparently believed by Mr. F. H. Blackburne Daniell, the Editor of the *H.M.C. Calendar* (1902), but at least ten years earlier. In fact, it would appear from the Hamilton document that there was already in 1793 some understanding with Mr. Waters as to the destination of the papers.

Abbé Waters was not very straightforward with Sir William Hamilton as to his rights in the Stuart Papers. It is quite true that he was executor to the Duchess of Albany: but the will of the Duchess, which has been found and published by the Scottish History Society, provides as follows:

'She further charges the said Abbati Waters to collect all the letters belonging to the royal house and family *and to deliver them to her royal uncle*. All her purely personal letters to be assigned to the flames by the hand of the said Abbati.' (Translated from original Italian.)

Evidently Abbé Waters carried out the second clause by burning 'all those that were of a trifling character.' But he does not seem to have handed over the family archives to the Cardinal York, perhaps because the Cardinal had enough of his own,¹ and was not sufficiently interested. It looks as if the bound volumes, cyphers and letters selected by Waters and taken by him from the Cancellaria to his private dwelling made up the bulk of the first collection. The residue probably became merged in the Cardinal's papers and formed part of the Watson collection. If this explanation is correct, it would account for the presence in the Watson collection of a good many

¹ The collection subsequently bought by Watson.

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papers with endorsements in Waters' handwriting, showing that they passed through his hands.

Nothing definite is known as to the collection of forty Stuart miniatures which were in Waters' apartment in the Cancellaria or the Highland Dress mentioned in the document. They probably remained there and were scattered, like so much else of the Cardinal Duke's possessions in Rome during the troublous years which followed.

Thanks are due to the Hon. John Fortescue, Librarian of Windsor Castle, with whose courteous co-operation the investigation was made.

WALTER SETON.

Scottish Biblical Inscriptions in France

AT the chateau of Chenonceaux, in the department of Indre-et-Loire, there exist some interesting records of a Scot, or Scots, in France in the first half of the sixteenth century, in the form of some texts from the New Testament which are incised on the inner walls of the chapel; the chapel itself is a fine piece of early 16th-century work. These inscriptions have been brought to my notice by M. Henri Berthon, Taylorian Lecturer in French in the University of Oxford, and to his kindness, and that of Mme. Mainguy at Chenonceaux, I am indebted for the following copies of them, and for verification of doubtful points. As will be seen from the references which I have added, three of the texts are from the Epistle to the Romans, and one from the Epistle of St. James, while the dates range from 1543 to 1548. The lettering is partly roman capitals and partly black letter or roman minuscules; the variations of these are here reproduced as far as could readily be done.

1. In the middle of the left-hand wall of the chapel :

the reward of [gr] is deid
 THE GRACE FORSVYCHT OF
 GOD IS PAYS AND lyIF IN IESV
 CHR̄ST OVR LORD 1543

(Rom. vi. 23.)

2. Almost opposite this, on a pilaster of the right-hand wall :

ANFERVORE
 THE = IR = OF = MAN
 VIRKIS NOT = TH
 E = ivSTICE = OF
 GOD
 1543

(James i. 20.)

Below this occurs : 1543 JESUS

3. On the right-hand wall, behind the door :

ANfERVORE

be not = ourcum = vycht = enil 1546

(Rom. xii. 21.)

4. On the left-hand wall, behind the door :

ANfERVORE

AND 3E leyf EFTER

THE FLECHE 3E S

AL DEH 1548

(Rom. viii. 13.)

There was, of course, no Scottish version of the New Testament in general use, and the wording of the texts does not correspond with Nisbet's adaptation of the Wycliffite version, nor as a whole with any Scottish renderings in religious works of the period. The wording of Rom. viii. 13 is indeed identical with that in Archbishop Hamilton's Catechism (p. 117): 'And ye lief efter the fleisch ye sall dee,' but this correspondence may very well be accidental. The probability is that each text was independently translated from French or Latin, and in the rendering of Rom. vi. 23, the translator evidently trusted to memory, and so substituted 'pays and lyif' for 'everlasting life.' (In the same verse 'forsvycht' is equivalent to 'forsuyth' = forsooth, as in No. 3 'vycht' is = with.)

There remains one unsolved puzzle in three of the four inscriptions, namely the meaning of the introductory letters, *anfervore*. It seems most natural to take these as representing the Latin words *an fervore*, and to suppose that they are either the beginning of a familiar verse or sentence in one of the services of the church, or form part or whole of a family or personal motto. In the latter case they might serve to identify the unknown author or authors of these inscriptions, of which local tradition knows no more than that their existence is due to the presence of Scottish guards at the chateau, but in what connexion is apparently unknown. Perhaps someone who has made a special study of the Scots in France may be able to follow up the clue.

Oxford.

W. A. CRAIGIE.

Ninian Campbell, Professor of Eloquence at Saumur, Minister of Kilmacolm and of Rosneath

FOR many centuries there were intimate relations between Scotland and France. Scottish merchants traded with France; French merchants traded with Scotland; there was constant intercourse between the people and more particularly between the Courts of the two kingdoms. Scottish scholars flocked to France in large numbers, where they were courteously received. This did not cease with the Reformation. Many Scotsmen who adhered to the old faith sought refuge in France, while scholars of the Reformed party were gladly welcomed by the French Protestants and found employment amongst them. Many young Scotsmen of good family likewise visited France with their tutors or governors, and studied at one or other of the great schools of learning.

Philippe de Mornay, seigneur du Plessis-Mornay, 1549-1623, the great champion of the Protestant cause in France, was appointed governor in Saumur in 1589 by Henry IV. Saumur is an old town on an island in the Loire, formerly in the province of Anjou, now in the department of Marne et Loire, with several interesting churches, an old castle of the thirteenth century, and a fine town-house. At one time it belonged to the dukes of Anjou, but in the thirteenth century it fell into the hands of the Kings of France, to whom it remained faithful.

De Mornay, it is now generally believed, was the author of the celebrated treatise *Vindiciae contra tyrannos*, published under the pseudonym of Stephanus Junius Brutus, bearing to be printed at Edinburgh in 8vo in 1579,¹ but probably at Basle, formerly

¹ *The Cambridge Modern History*, iii. pp. 760, 761, 764. Also ascribed to Hubert Languet, Hallam, *Literature of Europe*, ii. p. 132, ed. 1872. Brunet, *Manuel du Libraire*, i. 1907, s.v. Brutus (Stephanus Junius). The book bears the false imprint, Edimburgi Anno 1579. It was probably printed at Basle. It was translated into English by N. Y., 1646, and again 1648, the latter said to be by Walker, the executioner of Charles I.

attributed to Hubert Languet ; reprinted at Frankfort in 1608, and translated into English in 1689.

At Saumur de Mornay established a Protestant University which soon attained great celebrity by the eminence of its professors and the brilliancy of its students. The school of Saumur represented the more moderate side of French Protestantism, as opposed to that of Sedan. ' In contemplating the history of these seminaries,' says David Irving, ' it is impossible for us to suppress a feeling of deep regret at the common ruin which afterwards overwhelmed them, in consequence of the faithless and unrelenting conduct of a cold-blooded tyrant.'¹

Six Scotsmen, all, with two exceptions, connected with Glasgow, were professors at Saumur in the early part of the seventeenth century. These were Robert Boyd of Trochrig, afterwards Principal of the University of Glasgow ; Zachary Boyd, his cousin, the well-known minister of the Barony Church of Glasgow ; John Cameron, the famous theologian, a native of Glasgow, afterwards Principal of the University ; Mark Duncan, M.D., a native of Roxburghshire ; Robert Monteith of Salmonet, a native of Edinburgh ; and Ninian Campbell, the subject of this paper.

Robert Boyd of Trochrig, 1578-1627, was the eldest son of James Boyd of Trochrig, archbishop of Glasgow, and was born in Glasgow in 1578—' *Glascua me genuit.*' Trochrig is now in the parish of Girvan, but prior to 1653 formed part of the extensive parish of Kirkoswald of which James Boyd was minister, while holding the see of Glasgow. Robert Boyd was educated at the newly established University of Edinburgh, and then proceeded to France. After teaching Philosophy at Montauban for five years, 1599-1603, he was called to the pastorate of the church at Vertreuil in the old province of Guyenne, now in the department of Gironde. In 1606 he was appointed a regent or professor of philosophy at Saumur. He mentions the removal of his library to that town and that he spent a considerable sum in augmenting it after he had settled there. He was subsequently called to the Chair of Divinity, and along with this he discharged the office of a pastor in the town. His preaching in French, it is said, was greatly admired by the people. He only held the Chair of Divinity, however, for a year, as in 1615 he was summoned by King James VI. to be Principal of the University of Glasgow. Besides performing the duties of this office he was

¹ Irving, *Lives of Scottish Writers*, i. p. 297, Edinburgh 1839, 8vo.

professor of divinity, taught Hebrew and Syriac, and had the pastoral charge of the parish of Govan. His opinions upon church government did not accord with those of the king and the church party, and he resigned the principalship in 1621, retired to Trochrug and died at Edinburgh in 1627.¹

John Livingston speaks of him as a man of a sour-like disposition and carriage, but always kind and familiar. He would call some of the students to him, place books before them and have them 'sing tunes of music, wherein he took great delight.'²

Robert Blair calls him 'a learned and holy man,' and mentions that he was present at his inaugural oration as Principal, which very much cheered him. Some one put the question to him 'that seeing he was a gentleman of considerable estate whereupon he might live competently enough, what caused him to embrace so painful a calling, as both to profess divinity in the schools, and teach people also by his ministry? His answer was that considering the great wrath under which he lay naturally, and the great salvation purchased to him by Jesus Christ he had resolved to spend himself to the utmost, giving all diligence to glorify that Lord who had so loved him.' Blair felt that this was a man of God, one in a thousand.³

His portrait hangs in the Senate room of the University.

Zachary Boyd, 1585-1653, studied at the Universities of Glasgow and St. Andrews, at the latter of which he graduated M.A. in 1607. Thereafter he proceeded to Saumur where he was appointed one of the Regents in 1612. In 1615 he was offered the principalship of the University, but did not see his way to accept it. In 1617 he was presented to the Church of Notre Dame, in Saumur, associated with the memory of Louis XI., but the position of Protestants in France became so uncomfortable that he resigned his charge and returned to Scotland, and was in 1623 admitted minister of the Barony parish of Glasgow.

John Cameron, 1579-1625, was born in Glasgow, studied at the University and afterwards taught Greek. In 1600 he removed to France, and after some time passed at Bordeaux he was appointed to teach the classical languages in the newly established College of Bergerat and shortly afterwards he became Professor of Divinity at Sedan. He again returned to Bordeaux,

¹ Wodrow gives a long account of Robert Boyd, *Lives of the Reformers and most eminent ministers of the Church of Scotland*, ii. part ii. p. 1 sqq. (Maitland Club).

² *Brief historical relation of the life of Mr. John Livingston*, p. 6, 1737, 4to.

³ *Memoirs of the life of Mr. Robert Blair*, p. 11, Edinburgh 1764, 8vo.

and from there visited Paris, Geneva and Heidelberg to pursue his studies. When Franz Gomar, 1563-1641, was called from Saumur to Groningen in 1618, Cameron was appointed to the chair of divinity at Saumur. His lectures attracted large audiences and were often attended by de Mornay. In 1620 the students were almost all dispersed by the political troubles in France and Cameron accepted the principalship of the University of Glasgow. In 1623 he resigned and returned to Saumur, but was not allowed to teach, and in 1624 he was appointed to the chair of Divinity at Montauban, where he died the next year.¹

Mark Duncan (? 1570-1640) was born at Maxpofle in Roxburghshire. He went to the continent in early life and obtained the degree of M.D., but at what University is not known. He obtained an appointment as Regent or Professor of Philosophy at Saumur and acquired great celebrity as a teacher. He published a well-known treatise on Logic² which passed through several editions, and is highly commended by Sir William Hamilton.³ He also practised medicine and obtained great popularity as a physician. He became Principal of the University, retaining at the same time his professorship of philosophy. Among his pupils was Jean Daillé, one of the most distinguished theologians of the seventeenth century, author of a once celebrated book on the right use of the Fathers.⁴

Duncan's elder brother, William, Dempster assures us, excelled in the liberal arts and especially in Greek, and distinguished himself as Professor of Philosophy and Physic in the schools of Toulouse and Montauban. Mark's son, also named Mark, but better known under the name M. de Cerisantes, was a kind of Admirable Crichton, whose life was more romantic than a romance. He obtained high celebrity as a Latin poet and approached more nearly to Catullus than any other modern has done.⁵

¹ As to Cameron, see Wodrow, *Op. laud.* vol. ii. part i. p. 81 *sqq.* Irving, *Lives of Scottish Writers*, i. p. 333.

² *Institutiones Logicae*, Salmurii 1612, 12mo, Paris 1613, 8vo, and many other editions.

Burgersdyk was a colleague of Duncan at Saumur, and his well-known treatise on logic is largely founded on Duncan's work.

³ *Discussions*, pp. 121, 122. London 1853, 8vo.

⁴ *Traicté de l'employ dessaincts pères pour le jugement des differends qui sont aujourd'huy en la religion.* Geneva 1632, 8vo. In English, London 1651, 4to; in Latin, Geneva 1655, 4to.

⁵ As to Duncan, see Irving, *Lives of Scottish Writers*, vol. 301.

Robert Menteith of Salmonet was the third and youngest son of Alexander Menteith, a burghess of Edinburgh. He was educated at the University of Edinburgh, where he graduated M.A. in 1621. Shortly afterwards he removed to Saumur, where he was appointed Professor of Philosophy. I have the MS. of his lectures on Philosophy for the session 1625-26. He seems to have returned to Scotland about this time, 'with an great show of learning.' In 1629 he was a candidate for the Chair of Divinity in the University of Edinburgh, but was not elected. Next year he was presented to the parish of Duddingston and admitted, but having engaged in improper intimacy with a lady of rank he had to leave the country. He then went to Paris, where he joined the Roman Catholic church, obtained the patronage of Cardinal Richelieu, and was made a canon of Notre Dame de Paris by Cardinal de Retz. Michel de Marolles, who met him at court in 1641, refers to his gentle and agreeable personality and witty conversation, and adds that 'never was there a man more wise, or more disinterested, or more respected by the legitimate authorities.' He expresses an equally high opinion of his learning and intellectual accomplishments, and makes special mention of the elegant French style of his writings. The date of his death is uncertain, but it was prior to 13th September, 1660.¹ He is still remembered by his *Histoire des Troubles de la Grande Bretagne*, 1633-1646, published at Paris in 1661, and translated into English by James Ogilvie in 1675.²

Gabriel Ferguson, a contemporary Scotsman at Saumur, treats of the learned men of Scotland.³

Ninian Campbell was born in or about the year 1599. He was a native of Cowal, and apparently well-born, as when speaking of

¹ See Riddell, *The Keir Performance*, p. 250. Edinburgh 1860, 4to.

² Our old friend Monteith of Salmonet did not fail to dedicate the territorial title he had so ingeniously achieved to the glory of his country. The title-page of his book is indeed a very fair display of the spirit which actuated his literary countrymen. He is on the same cavalier side of the great question Clarendon held, but that does not hinder him from bringing the English historian to task for injustice to the weight and merits of Scotland thus: 'The History of the Troubles of Great Britain, containing a particular account of the most remarkable passages in Scotland, from the year 1633 to 1650, with an exact relation of the wars carried on, and the battles fought, by the Marquis of Montrose (all which are omitted in the Earl of Clarendon's History), also a full account of all the transactions in England during that time, written in French by Robert Monteith of Salmonet.' Burton, *The Scot Abroad*, ii. p. 37.

³ *Theses theologicae in Academia Salmurienti pars prior*, p. 135. Salmurii 1631, 4to.

himself he says, ' Nevertheless, honourable birth and education, the patterne of worthy acts, and the immortall memorie of renowned ancestors, either in church or policy, communicated to the emulous posteritie for imitation is not the least portion of inheritance.' His father it would appear was still living shortly before 1635.

In 1615 he entered the University of Glasgow, and in 1619 took the degree of M.A. He probably went abroad shortly after his graduation. Impelled by a thirst for arts and science and attracted by the reputation of Saumur for learning and the practice of virtue and piety, and probably on the recommendation of Robert Boyd, he found his way thither in 1625. Shortly after his arrival he was appointed Professor of Eloquence, a chair which then existed in most French Universities.

In 1628 he published *Apologia | Criticae. | In quâ brevitur huius facultatis vtilitatis osten- | duntur, quaeque contra eam objici | solent, diluuntur | Auctore Niniano Campbello Scoto | Corvaliensi, Eloquentiae in Academia Salmuriensi | Professore. | [Woodcut with motto Vincit Amor Patriae] | SALMVRII | Ex Typographia Ludovici Gyyoni | M.DC. xxviii. | 4to. 24 pp. A. 1-F. 2 in twos.*¹

It is dedicated to Mark Duncan, Gymnasiarch or Principal of the University (*Academia*) of Saumur. He refers to Trochrig and Cameron as masters of Theology, and Duncan as completing a triumvirate. He mentions that in a recent illness he had been attended by Duncan with unremitting care and skill. He speaks of *Episcopus Argilensis* as a friend eminent in theology. This was no doubt Andrew Boyd, parson of Eaglesham, a natural son of Robert, Lord Boyd, and bishop of Argyle and the Isles from 1613 to 1636.

The *Apologia* deals in generalities. Theology is preferable to all philosophy. The Critical art supplements all science.

After referring to learned men he says :

' Quibus adiungo Buchananum nostrum Solduriorum more socium, Poetarum quot-quot posterioribus seculis claruere facile Principem.'

It concludes with a poem (*Phaleucum carmen*) presented to Duncan as a Strena, he having been present at an Oration on Astrology recently made by the author.

Hinc in astriferos feror meatus,
Dulcis gloriolae memor solique

¹ There is a copy in the Advocates' Library. The dedication is dated 1st June 1628.

Natalis, numeros canem perennes.
 Aut qualis cecinit Maro Latinus
 Ille magniloqua parens Camoenae
 Vt hic lacteola parens loquela
 Noster Georgius ille Buchananus
 Scotorum decus eruditorum,
 Et quot sunt hominum Venustiorum.

Campbell resigned his chair at Saumur in 1629 and returned to Scotland. On his way through Paris in August of that year he composed an *Elegy* to the memory of Scaevola Sammarthanus, that is, Gaucher de Sainte-Marthe, known as Scaevola—a French orator, jurist, historian and poet, 1536-1623.

From a remark in the Address to the Reader prefixed to his *Treatise upon Death*, in which he speaks of many thousands falling on every side of him, it may perhaps be inferred that he was at Saumur during a period of plague.

On his return to Scotland, Campbell was next year, 1630, nominated minister of the upland parish of Kilmacolm in the county of Renfrew, and underwent the usual trials by the presbytery in the month of March and was approved 'willing, apt, and able to use and exercise the office of minister within the Kirk of God.' He was accordingly admitted to the charge on 8th April, 1630.

Kilmacolm, as I remember it, fully fifty years ago, was a small quiet village of thatched cottages and with such limited opportunity for intercourse with other places, that 'out of the world and into Kilmacolm' was a proverbial expression. Two hundred and thirty years ago it must have been still more secluded, as the roads which now traverse the parish did not then exist.

Ninian Campbell must have found it a great change from the town life of Saumur to the isolation of Kilmacolm, from the warm climate of Anjou to the moist atmosphere of the Renfrewshire uplands; and speaks of 'his admission to this painful and dreadful cure of souls.'

He seems, however, to have applied himself diligently to his parish duty, and took an active part in the work of the presbytery. He himself states that 'one special point of my charge is to visit those good Christians over whom I watch at their last farewell to this world, that I may render a joyful and comfortable account of them to my Maker the great Shepherd of the flock.'

The Earls of Glencairn were the principal heritors in the parish of Kilmacolm, and their seat, Finlaystone House, is within easy walking distance of the village; there seems to have been considerable intercourse between the Earl and his family and the minister.

The inheritor of the title at the date of Campbell's appointment to the parish was James, the sixth Earl. In 1574 he married a daughter of Colin Campbell of Glenurquhay to whom the minister may have been related. She died in 1610, and shortly afterwards he married Agnes, daughter of Sir James Hay of Fingask, and widow of Sir George Preston of Craigmillar.

He had a numerous family. One of his daughters was Lady Margaret Cuninghame, whose life was the subject of a curious piece printed and edited by Charles Kirkpatrick Sharpe.¹

Another daughter, Lady Mary, married John Crawford of Kilbirnie.

The Earl of Glencairn died in 1631 when the parish minister wrote a Latin Elegy to his memory.

The minister's patron—Archbishop Law—died at Glasgow upon 13th October, 1632, and was buried in the cathedral of Glasgow, where his widow, Marion Boyle, erected a handsome monument to his memory.² On this occasion also Campbell composed an Elegy, which he dedicated to the city of Glasgow.

Campbell was an adept in Latin verse and occupied his leisure at Kilmacolm in writing occasional poems.

Besides his Elegy on the Archbishop he composed in 1632 a poem addressed to the University of Glasgow. He had not forgotten the University, as in this year he subscribed 40 merks towards the building fund of the University.³ In the same year he also composed two Elegies on the death of William Blair, M.A., minister of Dunbarton.

William Blair was a graduate of Glasgow and a contemporary of Campbell and no doubt his friend. He was for some time a Regent in the University, an office which he held when he was

¹ *A Pairt of the Life of Lady M. Cuninghame, daughter of the Earl of Glencairn, which she had with her first husband the Master of Evandale.* Edinburgh 1827, 4to.

² The Archbishop's son was Thomas Law, the well-known minister of Inchinnan, and his grandson was Robert Law, minister of East Kilpatrick, the author of *Memorials or the memorable things that fell out within this island of Britain from 1638 to 1684.*

³ *Munimenta Universitatis Glasguensis*, iii. p. 475.

The parish here given is 'Kilmartin,' but this is evidently an error of transcription as there never was a Ninian Campbell minister of that parish.

appointed to the parish of Dunbarton. He gave 50 merks towards the building of the Library House of the University. His brother was the famous Robert Blair, minister of Ayr, 'precious Mr. Robert Blair,' as he is styled by John Livingston.¹

Another friend—William Struthers—sometime minister of Glasgow, and afterwards of Edinburgh, died in 1633, and Campbell wrote an Elegy to his memory.

A similar Elegy was written in honour of John Rose,² poet, philosopher and theologian, minister of Mauchline; to whose memory Campbell also composed an Epitaph. Both were written in 1634.

In 1635 Campbell published

A Treatise upon Death; First publicly delivered in a funerall Sermon, anno Dom. 1630. *And since enlarged*, By N. C. Preacher of God's word in Scotland at Kilmacolme in the Baronie of Renfrew.

(Text Hebr. 9. 27)

Edinburgh. Printed by R. Y. for J. Wilson, Bookseller in Glasgow, Anno 1635. 12mo. pages not numbered. Signatures A. I-H. 8 in eights.

Of this I have a copy, and there is an imperfect copy in the Advocates' Library which formerly belonged to the Rev. Robert Wodrow, minister of Eastwood.

The substance of this treatise the author explains was 'first publicly delivered by me in a Sermon at the buriall of an honourable Baron with his religious Ladie both laid in their grave at once, whose names of blessed memorie I conceal from thee, for such reasons as I thought good. Which meditation surely I had buried with them, or at least closed up in my study, if not the good opinion of conscionable and zealous hearers had raised it up again from the grave of oblivion, by their diligent search and lecture of manuscripts here and there dispersed far from my expectation & former intention. So that I was forced to review and enlarge the originall copie by the advice of my learned and much respected friends; such as reverend prelates, doctours and pastours of our church, who have best skill in such matters of spirituall importance.'

¹ *Brief Historical relation of the life of Mr. John Livingston*, p. 4, 1737, 4to.

² Rose graduated M.A. at Glasgow in 1606, and was presented to the parish of Mauchline in 1621, and died in 1634 aged 48. Robert Baillie, Professor of Divinity, 1642-1661, speaks of him as 'borne and bred with us, a brave poet.' *Letters*, ii. p. 402.

The 'honourable baron and religious lady' were John Crawford of Kilbirnie and Lady Mary Cuninghame before referred to.

In a MS. volume of genealogies by Robert Mylne (? 1643-1747), the sharp-tongued poet and antiquary, the following information is given regarding them :

'John Crawford of Kilbirnie and Lady Cuninghame died both in ye month of November 1629, and were interred the same day.'

In a Latin Epitaph at the end of the volume Campbell says that not only the father and mother, but also their son all died in one and the same month, the son first, the father next, and the mother third—and were all buried in the one tomb. He has also a Latin dirge to the eternal memory of Crawford, who he indicates died suddenly.

Although the deaths took place in November 1629, the funeral sermon was not delivered until next year, when the burial no doubt took place. This is explained in the Preface before the Sermon itself, where the author speaks of 'embalmed corpses.'

The *Treatise*, as the author explains, is an expansion of the funeral sermon, and as it stands is a disquisition on death in general, something after the style of Cicero, *De Senectute*. Probably as originally written it was merely an address to the mourners assembled at the funeral service.

Prefixed to the sermon as printed there is a curious 'Preface before Sermon.'

'Ye are all here conveyed this day to performe the last Christian duties to a respected and worthy Baron, with his honourable Lady, who both have lived amongst you in this land, and whose embalmed corps, both yee now honour with your mourning presence, and happy farewell to their grave. I am here designed to put you all in minde by this premeditate speech, that the next case shall be assuredly ours, and perhaps when we think least of it. Therefore that I may acquaint these who need information in this point with the nature and matter of such exhortations, let them remember with me that there are two sorts of funerall sermons, approved and authorized by our reformed churches in Europe: the first whereof I call for order's sake, *Encomiastick* or *Scholastick* because it is spent in the praise of the defunct, and only used in schooles, colledges, academies and universities, by the most learned; And this is ordinarily enriched with pleasant varietie of strange languages, lively lights of powerfull oratorie, fertile inventions of alluring poesie, great subtilties of solid Philosophie, grave sentences of venerable fathers, manifold examples of famous histories, ancient customes of memorable peoples and nations; and in a word, with all the ornaments of humane wit, learning, eloquence; Which howbeit I might borrow for a while, yet I lay them down at the feet of Jesus, and

being sent hither not by man, but by God, whose interpreter and ambassadour I am, I prefer before them the smooth words of *Moses*, the stately of *Esay*, the royall of *David*, the wise of *Salomon*, the eloquent of saint *Paul*, and the ravishing of saint *John*, with the rest of divine writers, God's pen-men out of whose inexhausted treasure of heavenly consolation, and saving knowledge, I wish to be furnished with the secret preparation of the sanctuarie, and to be accompanied with the full power and evidence of the spirit of my God. For there is another second sort of funerall sermons, which I call *Ecclesiastick* or popular, viz. when the judicious and religious preacher, only for the instruction and edification of the living, frequently assembled at burials, and earnestly desiring at such dolefull spectacles to be rejoyced in the spirit of their mindes, taketh some convenient portion of scripture, and handleth it with pietie, discretion, moderation, to his private consolation, the edification of his hearers, and the exaltation of the most high name of God. So that having no other ends but these three, and taking God to be my witness that I abhor all religious or rather superstitious worship given to the dead, and being naturally obliged to come here, and oftentimes requested by my near and dear friends, yea abundantly warranted by these who have the prioritie of place in church government above me, and as it seemeth by your favourable silence, and Christian attention, invited to speak, I have purposed by the special concurrence, and assistance of the spirit of my God, to deliver unto you a brief meditation upon death. Pray ye all to God to engrave it by the finger of his all-pearing spirit in the vive depth of my heart, that again by way of spirituall communication, I may write it upon the tables of your hearts (as it were) with a pen of iron, and the point of a diamond, that both preacher and hearer may lay it up in their memories, and practise it in their lives and conversations. And I entreat you all (and most of all these who are of a tender conscience) I entreat you I say, in the tender bowels of mercie, not to misconstrue my coming hither, which ought rather to be a matter of singular comfort, then of prejudged censure; a matter of profitable instruction, rather then of envious emulation; a matter of pious devotion, then of repining contention. I think not shame, with the glorious apostle to preach in season, and out of season, for the converting, winning and ingathering of soules. I do not say this, That I consent to these who contemne and condemne altogether such meetings for albeit I would confesse unto them, that the time, place, and persons were extraordinarie (as indeed they may seem to these who have not travailed out of their paroch churches, or seen forein countries) yet the customes of the primitive church (see *Nazianzen*, *Ambrose*, *Jerome*, etc.) and of our reformed churches in France, Genevah, Germanie, upper and lower, in great Britaine, and elsewhere, maketh all three ordinarie; and the subject of this present meditation, viz. *Death*, proveth the same to be common.

The concluding paragraph of the sermon is apparently much as it was when addressed to the congregation :

'O happie couple above the eloquence of man and angel! Many a loyall husband and chaste spouse would be glad of such an end. And what

an end? Let the envious Momus, and injurious backbiter hold their peace, and let me who stand in the presence of God, and in the face of his people, and in the chaire of veritie, tell the truth : to wit, That honourable Baron whose corps lyeth there in the flower of his yeares, in the strength of his youth, in the prime of his designes, even when young men use to take up themselves, is fallen, and mowne downe from amongst us, like a may flower in a green meadow.

His vertuous Lady who having languished a little after him, howbeit tender in body, yet strong in minde, and full of courage, took her dear husband's death in so good part, that shee did not give the least token of hopelesse and helplesse sorrow. Yet wearying to stay after her love, she posted after him, and slept peaceably in the Lord, as her husband before her.

This, Noblemen, Gentlemen, and men of account amongst us have assured mee. So then, as neither the husband's ancient house, nor his honourable birth, nor his noble allye, nor his able and strong body, nor his kinde, stout, liberall minde, nor the rest of the ornaments which were in him alive, and which recommend brave gentlemen to the view of this gazing world, could keepe him from a preceding death. So neither the spouse's noble race of generous and religious progenitours, nor a wise carriage in a well led life, nor the rest of her womanish perfections, could free her from a subsequent death, both due to them and us for our sins. God hath forgiven theirs ; God forgive ours also. They have done in few, all that can be done in many yeares ; They have died well : God give us the like grace. In the mean time, their reliques and exuvies, *terra depositum*, shall lye there amongst other dead corps, of their forebears and aftercommers, all attending a general resurrection : And their souls the best part of them, *coeli depositum*, have surpassed the bounds of this inferior world, and are carried upon the wings of Cherubims and Seraphins, to the bosome of *Abraham*, for to change servitude with libertie, earth with heaven, miserie with felicitie, and to bee made partakers of that beatifick vision, reall union, actuall fruition of our God, in whose presence is fulnesse of joy, and at whose right hand are pleasures for evermore. How shall we then conclude, but with a hopefull and eternall farewell, till it please God, that wee all meet together on that great day, on Sion hill, and go into these everlasting tabernacles of the temple of the most High, in the holy citie, supernall *Jerusalem*, amongst the Hierarchies of that innumerable companie of Angels, the generall assemblie and church of the first borne, written in heaven by the finger of God, and the blood of the Lambe? When and where they with us, and we with them, and the whole multitude of the militant and triumphant Church, reunited under Christ the head, shall be fully and finally glorified.'

The language of the minister is no doubt florid, but the English is good and shows how the language was handled by an educated Scotsman.

The Elegy to the University of Glasgow written in 1632, already mentioned, is likewise addressed 'to the learned men

who were present at the funeral,' so that it may be inferred that the wise John Strang, the Principal, and some of the Regents were present on the occasion.

All the elegies and poems before referred to are appended to *A Treatise upon Death*.

In 1636 Ninian Campbell addressed a long poem to the memory of Patrick Forbes, 1564-1636, bishop of Aberdeen, which is printed in *Funerals of a right reverend Father in God Patrick Forbes of Corse, bishop of Aberdeen*,¹ a memorial volume to his worth by Aberdeen doctors and by many of the most eminent men in the kingdom.

In the meantime the Glasgow Assembly of 1638 had been held, and the signing of the Covenant was very eagerly pressed in every parish. Lady Ann Cuninghame, sister of Lady Kilbirnie, who married James Hamilton, Lord Arran, afterwards second Marquis of Hamilton, was in later life an ardent supporter of the Covenant. On 30th August, 1638, Ninian Campbell was called upon by the parishioners of Kilmacolm to 'solemnly swear that he was neither dealt with nor would suffer himself to be dealt with to be perverted against the Covenant, *nec prece, precio nec minis*.'² Subsequently the Covenanters took up arms and the presbytery of Paisley did their part in providing preaching for the soldiers on the field. In 1641 Mr. Campbell was appointed to this duty; and again in 1644 he was instructed by the presbytery to go to the army now in England and supply there as minister till he was relieved and that 'in my Lord Loudon's regiment.' He did not, however, go and was summoned before the presbytery in January, 1645, to hear himself censured for his negligence.

The Solemn League and Covenant between Scotland and England had been drawn up and energetic measures were taken to have it subscribed in all parishes. It was read and expounded from the pulpit on three successive Sundays, and all were thereafter called upon to sign. It was reported at a meeting of the presbytery of Paisley on 4th January, 1644, that none within the several parishes had refused to subscribe.

¹ P. 377. Edinburgh 1845, 8vo. Spottiswoode Society.

² Murray, *Kilmacolm*, p. 50. Paisley 1898.

I am indebted to this interesting work for the account of Mr. Ninian Campbell's ministry at Kilmacolm.

Ninian Campbell was not a very zealous Covenanter and had to be frequently rebuked for lukewarmness. In 1650 he was instructed to speak to the officers of the Covenanting army that they receive no soldier without sufficient testimonial. After their defeat at Dunbar all the ministers in the Presbytery were instructed to summon from the pulpit all who are 'fitt and able for service against theemie, to enrol their names and to offer themselves cheerfullie and willinglie to the work.'

The people of Kilmacolm were much more zealous than their minister, and about this time some of the most serious elders in the parish wrote a letter to the ever memorable Samuel Rutherford of Anwoth in which they bewail the deadness of the ministry at Kilmacolm, that they are not sufficiently roused by the terrors of the law, and that the young are in fear of backsliding. Rutherford replied pointing out that it is no true religion which is dependent on the character of the minister; 'it will not be bad for you for a season to look above the pulpit and to look Jesus Christ more immediately in the face.' In other words, while he admits that he had heard that their minister was not everything that could be wished, he advised that they be more concerned about their own personal religion.

Ninian Campbell was more popular elsewhere. On 2nd January, 1651, a Commission representing the presbytery of Dunbarton and the parishioners of Rosneath appeared before the presbytery of Paisley and laid on the table a unanimous call sustained by the presbytery of Dunbarton together with reasons why he should be transported from Kilmacolm to Rosneath. After discussion the presbytery on 20th February found: 'that Mr. Ninian Campbell, being a native hielander, was skillfull in the Irysch language, and that the paroch of Rosneath, or a great part thereof did consist of inhabitants who only had the Irysch language; they did find also that the said Mr. Ninian had no small inclination and disposition to preach the gospell to the people of his own country and native language, and considering the Act of the General Assembly anent ministers in the lowlands who have the Irysch language, therefore they did, for these and other reasons, transport the said Mr. Ninian Campbell from the paroch of Kilmacolme to the paroch of Rosneath, and appointed Mr. James Taylor to goe to the Presbytery of Dunbrittane at their first meeting to see how he may be well accommodat in the parish of Rosneath, and to desyre the Presbytery of Dunbrittane to be cairfull thereof, and appointed Messrs John

Hamilton and James Taylor to goe to the paroch of Rosneath the day appointed by the Presbytery of Dunbrittane for the said Mr. Ninian's induction into and receiving of the charge of the ministry there, to countenance the same and be witness thereto.'

The appointment of Mr. Ninian to the parish of Rosneath was very different, it will be observed, from that of his appointment to Kilmacolm. He was collated to the latter by the Archbishop of Glasgow; he was called to Rosneath by the voice of the people in whom the right had been vested by the Act of 1649, which abolished patronage.

The finding of the presbytery of Dunbarton that 'the parish of Rosneath or a great part thereof did consist of inhabitants who only had the Irish language' seems to have been a pious exaggeration, as there was drawn up at this time for the satisfaction of the Synod a roll of persons in the parish who could speak the Gaelic only. No more than thirty-six persons were found to be in this position, upon which the presbytery declared that Gaelic was not a necessary qualification for a minister of Rosneath, if one could be found otherwise suitable. Questions were still outstanding as to the boundaries and position of the newly erected parish of Row and its representatives protested against adding those who spoke Gaelic to their congregation.

It may be mentioned, however, that when it was proposed to settle the Rev. James Anderson¹ as minister of Rosneath in 1722, great difficulties were raised on account of his inability to speak Gaelic, as there were then twenty-six heads of families in the parish who could not speak English, and the matter was compromised by the heritors undertaking to procure a Gaelic schoolmaster who would act as a catechist.²

Campbell seems to have lived quietly at Rosneath, and probably as a native Highlander enjoyed the opportunity of using the Gaelic language in which he was so skilful.

He died at Rosneath on or about 11th March, 1657, aged 58, survived by his widow and a son then in minority.

His library was estimated to be worth £100 Scots.

We also know that he was proprietor of the three merk land of Carreask and Ballingoune in the lordship of Cowal and sheriffdom of Argyle, on the security of which in 1656 he

¹ James Anderson, it may be remembered, was father of John Anderson, 1726-1796, professor of Natural Philosophy in the University of Glasgow and founder of the Andersonian Institution.

² Irving, *History of Dumbartonshire*, p. 412. Dumbarton 1860, 4to.

borrowed from Cornelius Crawford of Jordanhill the sum of £745 Scots.¹

The *Treatise upon Death* is of bibliographical interest. There was no printer in Glasgow until the year 1638, and the numerous works of Zachary Boyd and of other Glasgow authors had to be printed in Edinburgh or elsewhere. It is evident, however, that the Glasgow booksellers were beginning to think that if a press was not set up in Glasgow, at any rate Glasgow should appear as the place of publication. Accordingly the imprint of the *Treatise upon Death* shows that the book though printed in Edinburgh was published in Glasgow by John Wilson, bookseller there.

In the preceding year Wilson had published,

Trve | Christian | Love | To bee sung with any of the |
common tunes of the | Psalms. | [Quotation] | Printed by I. W.
for John Wilson, and are to be sold at his shop in Glasgow.
1634.

The author was Mr. David Dickson.

I. W. stand for John Wreittoun, printer in Edinburgh, who was also the printer of some of Zachary Boyd's works and of those of Sir William Mure of Rowallan.²

Robert Young, the printer of Campbell's *Treatise*, commenced printing in Edinburgh in 1633 and was the printer of the famous Prayer Book of 1638, rendered memorable by the Jenny Geddes incident.

Campbell was on terms of intimacy both with Zachary Boyd and David Dickson. They were members along with the Earl of Argyle, the Earl of Eglinton, the Earl of Wigton, the Laird of Keir, Sir William Mure of Rowallan, and many other notable persons, lay and clerical, of the Commission of 1639 for the visitation of the University of Glasgow.³

DAVID MURRAY.

¹ See Crawford *v.* M'Cailzone, 28th November, 1663. 2 *B.S.* 311.

² Murray, *Bibliography; Its Scope and Methods*, p. 74.

³ *Munimenta Universitatis Glasguensis*, ii. p. 457.

Samian Ware and the Chronology of the Roman Occupation

FOR obvious reasons the research of new archaeological material cannot at present be pursued on the same scale as it was some years ago. This may turn out to be a blessing in disguise; it has at least given us an opportunity to take stock of our accumulations. In that department of Roman ceramics which is concerned with *terra sigillata* or 'Samian' ware—there are still many who prefer a misnomer to a barbarism—two systematic and comprehensive works have recently appeared. One of these is of capital importance for the study of the early occupation of Scotland; it is Knorr's treatment of the decorated ware of the first century,¹ in which the author has put together material scattered through the half-a-dozen monographs he had previously published on collections from particular sites. The other is the work of two English archaeologists—Dr. Felix Oswald and Mr. T. Davies Pryce.² Their handsome and richly illustrated volume covers the whole subject, and is the most comprehensive work of its kind in English or, indeed, in any language.

It is a measure of the extent to which our accumulated material has tended to outgrow our power, or opportunity, to organise it that the description 'comprehensive' should apply to a work which deals with one aspect (the chronological) of one type of product of a single branch of industry within one restricted area of the Roman Empire. The general student has only to turn over the eight and twenty pages of bibliography which he will find in this volume to realise what an arduous undertaking it was to compose a chronological account of the Samian ware industry

¹ Knorr, *Töpfer und Fabriken verzierter Terra-Sigillata des ersten Jahrhunderts* (Stuttgart, 1919).

² *An Introduction to the Study of Terra Sigillata*, by Felix Oswald and T. Davies Pryce: pp. xii, 286, with eighty-five plates. Longmans, Green and Co. 1920. £2 2s. net.

as a whole. Bibliographical apparatus is no proof of scholarship, least of all in History and Archaeology, but it is clear from every page of this book that its authors have conscientiously explored the whole range of their authorities from Fabroni and Roach Smith to the latest work of Knorr. There is only one qualification to make. We are now able to trace more clearly than we were the continuity of the Samian ware industry through the second half of the third century to its partial revival in the fourth, and to localise this revival at the old pottery centres on the upper Aisne and Meuse—Lavoye, Les Allieux and Avocourt. The evidence as to this has recently been summarised by Unverzagt in his discussion of the pottery of the fourth century fort at Alzei in Rheinhesen.¹ This work had reached Dr. Oswald and Mr. Pryce in time to find a place in their bibliography and to give occasion for a brief appendix (IV), but too late for the material it contains to be incorporated in the structure of their book. As it is, their section on 'Marne' ware and their scattered references to the products of the fourth century have a detached and accidental character, their systematic treatment stopping short at the middle of the third century. Still, the collapse of the industry about that date was so general that its subsequent history does have very much the character of a detached incident. As for the authors' treatment of the industry during the main period of its activity, it is systematic in a high degree. They have fitted into a well articulated framework a prodigious mass of detail, none of which is irrelevant to their purpose.

Since the special value of Samian ware is its usefulness as an index to date, the purpose of the authors is to present the products of the industry according to an exact chronological classification. The chronology is based, as they explain, on properly determined 'site-values,' and accordingly they preface their account with a table of dated sites. It must be remembered, however, that many of the dates are themselves inferred from Samian ware, and that some of them are by no means certain. Mr. Bushe-Fox's Cerialis date for Carlisle, for example, has been rejected by the late Professor Haverfield and by Mr. Donald Atkinson in *Transactions of the Cumberland and Westmoreland Archaeological Society*, N.S., XVII, a reference to which should have been given under 'Carlisle,' while Mr. Atkinson's section of that article (on the Samian stamps, *ibid.* pp. 241-50) might have been included

¹ W. Unverzagt, *Die Keramik des Kastells Alzei* (Frankfurt a. M., 1916).

in the bibliography. Another example of doubtful dating—and one which will interest the readers of this *Review*—is the lower limit assigned to the early occupation of Newstead. It was Professor Dragendorff¹ who first questioned the date proposed by Dr. George Macdonald and Mr. James Curle (the end of Trajan's reign). He suggested instead an early-Trajanic date, and many, perhaps most, English archaeologists have ranged themselves on his side. Dr. Oswald and Mr. Pryce go further, and stoutly assert (p. 43) that the occupation was 'a short and practically Agricolan one.' That dating cannot stand against Dr. Macdonald's analyses of the Newstead coins and of the coins of Roman Scotland as a whole,² to say nothing of the structural evidences he has accumulated to show that the history of the Newstead-Inchtuthil line was not that of Agricola's Forth-Clyde *praesidia*. As a matter of fact, Dr. Oswald and Mr. Pryce appear to have repented of their temerity, for the Newstead references in the text often relate to late, not early, Domitianic ware, still oftener to ware described as 'of the Domitian-Trajan period.' The more tenable, and commoner, statement of Professor Dragendorff's view is that which will be found repeated in the newly published Report on the excavations at Slack, near Huddersfield,³ viz. that 'the early period at Newstead ends, *at latest*, in the first decade of the second century.' An obvious difficulty about this date is that it does not fit into our historical framework. This, however, is not the place to go into the various evidences. What does invite discussion here is the evidence, the negative evidence, of the Samian ware, upon which this date is based.

That the bulk of the Samian ware of the first occupation reached Newstead well before the end of the first century is not in dispute. It is what one would expect. The Newstead supply would go north with, or in the wake of, the troops, or would be made up in the early years of the occupation. It is solely with replacements we are concerned in fixing the lower limit of this occupation—or rather with such replacements as arrived latish in the occupation and yet themselves got broken and were cast away and left on the site. That is a narrow field

¹ In *Journal of Roman Studies*, i. (1911), p. 134.

² In *Proc. Soc. Ant. Scot.*, lii. This is an opportunity to draw the attention of students of the Roman period to the importance of Dr. Macdonald's article.

³ *Excavations at Slack, 1913-1915*, by P. W. Dodd, M.A., and A. M. Woodward, M.A. Reprinted from the *Yorkshire Archaeological Journal*, vol. xxvi.

of evidence. And here we must remember that along the frontier South Gaulish ware was carefully treasured and had a remarkably long life, and that Newstead, after campaigning in Caledonia had come to an end, was a remote and solitary station, separated from the main military area by what must have been a very dangerous zone in the later years of Trajan's reign and offering far too meagre a market to invite risk. It is not surprising that fragments of the early ware at Newstead were found to have been mended with a leaden clamp. The interpretation of pottery evidence is not a simple matter of parallel-hunting. Every site has its peculiarities, and in Trajan's reign Newstead would be in quite an exceptional situation. A rough analogy is perhaps given by the Forth-Clyde forts in the later part of the Antonine occupation. The Samian ware of the Wall is, in the mass, ware of the reign of Pius. Fortunately we are saved by the positive evidence of a few coins from unduly restricting the period of occupation on the negative evidence of the Samian ware. The presence of these coins warns us that the rarity of ware definitely assignable to the reign of Marcus cannot be taken to indicate more than that there may have been little trading connection with the south after the troubled years round about 160. To suppose that the Roman hold on Southern Scotland was more or less precarious in the reign of Marcus, that the idea of an early evacuation was perhaps already in the air, would be quite in keeping with our evidence as a whole. Certainly the troops no longer built for permanence.

Even if we do judge Newstead by more favoured sites, what does the evidence amount to? The marks of Trajanic date for Lezoux ware accumulated by Dr. Oswald and Mr. Pryce are meagre in the extreme, and most of them will be found to dissolve under analysis. The authors themselves usually refer specimens quite loosely either to the Domitian-Trajan period or to the Trajan-Hadrian period. With their Domitian-Trajan ware we need not trouble, since the reference given is usually to Newstead. From their Trajan-Hadrian ware we must exclude the products of potters who belong in Scotland to the Antonine occupation (Censorinus, Divixtus, Iuliccus, Reginus) and narrow the field to ware later than any found in the first occupation at Newstead and earlier than that found on our Antonine sites. Now ware typologically intermediate between the latest ware of the first occupation at Newstead and Antonine ware cannot be said to be common anywhere, and most of what has been identified

is East Gaulish. In Britain we are little concerned with East Gaulish ware, at least in the pre-Antonine period, but whether East Gaulish or Lezoux, such intermediate types are so exceptional in our province that it may be doubted if much Samian ware was exported to Britain between the decline of the La Graufesenque potteries and the full development of the Lezoux industry. How much Samian ware at Wroxeter or Corbridge or on Hadrian's Wall itself or in the whole province, for that matter, can be confidently dated between (say) 107 and 127? And how much again of that can be referred strictly to the Trajanic half of that period?

The comparative material from Slack is instructive in this regard. Slack was first occupied about the same time as Newstead. The terminal date is uncertain; the excavators, who will not allow us an odd seven or ten years elbow-room at Newstead, help themselves to the handsome margin of fifteen or twenty years at Slack—from a date early in Hadrian's reign to the year 140. If 140 be the correct date (as the present writer is inclined to think it is; see the Coarse Ware), then Slack has only three or four scraps of Samian ware to show for the whole of Hadrian's reign. Anyhow, the site was certainly occupied beyond the reign of Trajan, for one of the coins dates 118 and there is an altar dedicated by a centurion of the Sixth Legion. Now the few potters' stamps at Slack are all Flavian, and the plain ware in general (it is not dealt with in detail) seems to answer to the corresponding ware at Newstead. When we turn to the decorated ware, we find that seven-eighths of the significant pieces can be paralleled from Flavian sites, and of these the majority are paralleled at Newstead. If we eliminate the Hadrianic pieces from the remainder, we have exactly *two* examples for the whole of Trajan's reign. One of these (pl. XXI, E = p. 48, No. 7) is compared for its general style to pieces from the Bregenz Cellar find. But pieces which are not only in the same style but reproduce the actual decorative elements of the Slack fragment occur at Newstead (Curle, p. 207; cf. p. 211, No. 4). We are left with a single bowl of Libertus (*Slack*, pl. xxi, N) as the only piece of Samian ware not paralleled at Newstead that Slack has to show for its Trajanic occupation. And if Newstead cannot boast of a Libertus bowl, yet it has certainly produced more fragments than Slack which might quite well have reached the site in Trajan's reign. Yet Slack, unlike Newstead, was situated at

the base of the military area on the direct road connecting the legionary headquarters of York and Chester. When one remembers that the series of known events authorises no terminal date for the early occupation of Newstead between the recall of Agricola and the disorders with which Trajan's reign closed, when one considers the evidence of the coins and the mass of pre-Antonine finds from Newstead and Camelon, as well as the structural evidences from the Newstead-Inchtuthil line as a whole; and when, finally, one estimates the negative evidence of the Samian ware with due regard to the evidence of other British sites of the same date and to the exceptional situation of Newstead, the reasonable conclusion remains that stated years ago by Dr. George Macdonald and Mr. James Curle, viz. that a hold was maintained on Newstead till the close of Trajan's reign. If Dr. Oswald and Mr. Pryce care to add that during the last ten years or so of this occupation, little or no Samian ware was being traded over Cheviot, well and good. It is more than probable.

The Newstead controversy initiated by Professor Dragendorff brings into clear relief the uncertainty of the evidence of Samian ware on its negative side. Negative or positive, indeed, its evidence is always liable to be misleading *when taken by itself*. That is a fact that Dr. Oswald and Mr. Pryce should have emphasised sharply, not slurred over, knowing, as they do, how empiric in its method much of our archaeology is. There is no reason now to fear that the value of Samian ware will be underrated. Its value is established. Often it is the only guide to date that we have. When it can be brought into relation with other evidences, and especially with an historical framework such as inscriptions and texts provide, its value is immense. It now forms an integral part of our Roman studies, and therefore every student of the Empire has reason to be grateful to Dr. Oswald and Mr. Pryce for having marshalled in orderly procession myriads of details (and the details are everything) accumulated by direct observation in our museums or drawn from hosts of monographs and periodicals, most of them foreign and many of them not easy to procure. The illustrations alone represent a great achievement of exploration, judgment and selection. The authors have done a service not only to the student but to the subject, for by presenting us with a framework to which new acquisitions can be related as they are won, they have done much to ensure that the progress of our knowledge in this department shall be a systematic growth. Nor is it only the archaeologist

who is in their debt. The historian also will find here much material to invite speculation. That is an indulgence the authors deliberately deny themselves. Once only do they break their self-imposed rule; it is to remark that the later products of Lezoux 'furnish a graphic illustration of the gradual barbarisation of the Empire' (p. 20). But Lezoux ware was the ware of the north-western frontiers, and is no test for the whole Empire. In the Rhone valley (to say nothing of the Tiber) they would have none of it. It is hardly a fair measure even for the Arvernian, who made this ware for export. If Samian ware in the Arvernian's hands became a cheap and nasty article, that was because the people along the frontier were becoming Romanised, not because the Arvernian was becoming barbarised. What he was becoming was commercialised. That was in some ways a bad thing, no doubt; but do Dr. Oswald and Mr. Pryce seriously maintain that the Arvernian was a less civilised being in the Antonine period than in the Flavian period? One can only suppose that here again the authors have been momentarily hoodwinked by Professor Dragendorff, who possesses in a high degree the German gift of seeing in the Romanisation of the barbarian nothing but the barbarising of the Roman.

S. N. MILLER.